

**RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C.**  
**ATTORNEYS AT LAW**  
740 BROADWAY, FIFTH FLOOR  
NEW YORK, NY 10003-9518

TELEPHONE (212) 254-1111

FACSIMILE (212) 674-4614

LEONARD S. BOUDIN (1912-1989)  
MICHAEL KRINSKY  
ERIC M. LIEBERMAN  
DAVID B. GOLDSTEIN

ROGER BEARDEN  
GREGORY SILBERT †  
JAYKUMAR A. MENON  
CHRISTOPHER J. KATELL

† ADMITTED IN CALIFORNIA ONLY

COUNSEL  
VICTOR RABINOWITZ  
MICHAEL B. STANDARD  
LEONARD I. WEINGLASS  
ELLEN J. WINNER  
DEBRA EVENSON  
TERRY GROSS

AOR 2003-02

February 13, 2003

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2003 FEB 14 P 12:33

Dear Commissioners:

On behalf our clients, the Socialist Workers Party (hereinafter "SWP"), the Socialist Workers National Campaign Committee, and committees supporting candidates of the SWP, we submitted on October 30, 2002 a request for an advisory opinion pursuant to 2 U.S.C. § 437(f) and 11 C.F.R. § 112.1 that the SWP and the committees supporting candidates of the Socialist Workers Party continue to be exempt from certain reporting and disclosure provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("FECA" or the "Act"). That request contained evidence of 74 incidents of harassment or intimidation of SWP supporters from across the country.

As discussed with the Federal Election Commission's Office of General Counsel, we hereby supplement that request by providing additional supporting evidence for several of the incidents

described in our previous filing. This supplemental evidence consists of police reports, photographs, contemporaneous notes, articles from periodicals, and SWP campaign notices. They are attached as exhibits hereto. The numeration of these exhibits of supplemental evidence corresponds to the numeration of the exhibits in our original filing.

The supplemental evidence is briefly summarized below, arranged in paragraphs that correspond to the numeration in the accompanying volume of exhibits.

5. In August 2002, during a public petition drive by the SWP, a series of break-ins occurred at SWP headquarters in Washington, D.C. Supplemental evidence: incident reports prepared by local police; entries in *Washington Post* "District Crime Watch" section; two SWP flyers describing incidents; article from *The Militant*.
12. In February 2002, a break-in occurred at the SWP campaign office in Houston, Texas. Supplemental evidence: Houston Police Department offense report describing break-in at the Pathfinder Bookstore, which shares the location with the SWP campaign office; photograph of destroyed scanner; SWP announcement of news conference; SWP press release.
16. In October 2001, an SWP mayoral candidate distributing literature at a literature table in Saint Paul, Minnesota was threatened with a citation. Supplemental evidence: copy of letter dated October 10, 2001, from St. Paul Department of Public Works Ordinance Enforcement Division, noting that "failure to comply may result in a citation," and providing name of Mike Cassidy as inspector. Previously-provided declaration (Exhibit 16 to SWP's October 30, 2002 AO Request) stated that incident took place on October 10, 2001, and listed Mike Cassidy as investigating officer.
24. In July 2001, local police officers in Brooklyn, New York charged SWP supporters at a

literature table with disorderly conduct and unlicensed vending. Supplemental evidence: papers from ensuing legal proceedings—notice of motion; affirmation of attorney representing SWP supporter; copies of summonses; memorandum of law in support of SWP supporter's motion to dismiss summonses.

30. In September 2000, someone defaced a picture of an SWP candidate on the door of a dorm room in Pittsburgh, Pennsylvania. KKK slogans were also written on the door. Supplemental evidence: article from *The Militant*.
40. In May 2000, SWP supporters were instructed by local police officer to stop selling *The Militant* newspaper in Pennsylvania. Supplemental evidence, pertaining to similar incident, where in May 2002 additional SWP supporters distributing *The Militant* in Pennsylvania were confronted by a local police officer, then brought in a police car to a police station, where they were issued citations and told to appear in court: declaration of SWP supporter; letter from SWP supporters' attorney requesting withdrawal of citations; copy of Notice of Withdrawal of Charges.
46. In May 1999, SWP supporters were threatened with violence in Des Moines, Iowa. Supplemental evidence: Case Investigation Report from Des Moines, Iowa Police Department; Des Moines Police Supplemental Report; contemporaneous notes from SWP supporter.
48. In April 1999, SWP supporters were threatened with arrest for campaigning near the Peabody Coal Company in Morgansfield, Kentucky. Supplemental evidence: photographs of SWP supporters campaigning that day on the road outside the fenced-in Peabody Coal Camp #1. Although the photographs do not depict the law enforcement officers, they corroborate the

previously-provided declaration in that they show SWP supporters were campaigning near the coal camp.

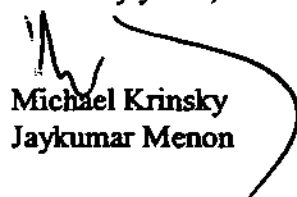
58. In February 1998, Federal Protective Service officers stand near SWP supporters protesting U.S. policy towards Iraq in front of Federal Building in Birmingham, Alabama and take individual close-up photographs of their faces. Supplemental evidence: photographs of officer holding camera, taking photographs; photographs of other officers present in front of Federal Building that day.
62. In September 1997, an SWP candidate was intimidated by his employers at Boeing after a radio appearance in which he discussed his political views. Supplemental evidence: article by the SWP candidate in *The Seattle Times* newspaper; SWP flyer (fourth paragraph from bottom).
63. In September 1997, SWP supporters were cursed at and threatened by a local police officer in Chelsea, Massachusetts. Supplemental evidence: article from *The Militant*; SWP fact sheet describing incident; SWP flyer/campaign statement describing incident.

## CONCLUSION

Based on the foregoing, and on our filing dated October 30, 2002, there is a reasonable probability that the compelled disclosure of the Socialist Workers Party's contributions and recipients will subject them to threats, harassment or reprisals from private citizens or various branches of the government. The factual showing made here evidencing continued harassment along with the continuing impact of the long history of governmental harassment is in all respects comparable to the showing that was made in 1996. The SWP has again demonstrated that there is a reasonable

probability that they will be subject to threats, harassment, or reprisals from governmental or private sources unless its campaign committees are granted a renewal of the exemption granted in the 1996 advisory opinion and that under the First Amendment, the SWP and its campaign committees cannot be compelled to disclose information concerning their contributors or recipients.

Sincerely yours,



Michael Krinsky  
Jaykumar Menon

**EXHIBITS SUBMITTED IN SUPPORT OF SUPPLEMENT TO 2002 REQUEST  
BY THE SOCIALIST WORKERS PARTY, THE SOCIALIST WORKERS PARTY  
NATIONAL CAMPAIGN COMMITTEE, AND COMMITTEES SUPPORTING  
CANDIDATES OF THE SOCIALIST WORKERS PARTY  
FOR AN ADVISORY OPINION**

RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN, P.C.  
740 Broadway, 5<sup>th</sup> floor  
New York, New York 10003-9518  
(212) 254-1111  
*Attorneys for Requesting Parties*

**THE OFFICE OF GENERAL COUNSEL HAS INCORPORATED THE  
DOUCMENTS SUBMITTED BY THE REQUESTER WITH THE FEBRUARY 13, 2003,  
LETTER INTO THE CORRESPONDING EXHIBITS TO THE OCTOBER 30, 2002,  
LETTER.**

**RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN, P.C.**  
**ATTORNEYS AT LAW**  
740 BROADWAY, FIFTH FLOOR  
NEW YORK, NY 10003-9518

TELEPHONE (212) 254-1111

FACSIMILE (212) 674-4614

LEONARD B. BOUDIN (1912-1989)  
MICHAEL KRINSKY  
ERIC M. LIEBERMAN  
DAVID B. GOLDSTEIN

ROGER BEARDEN  
GREGORY SILBERT †  
JAYKUMAR A. MENON

† ADMITTED IN CALIFORNIA ONLY

COUNSEL  
VICTOR RABINOWITZ  
MICHAEL B. STANDARD  
LEONARD I. WEINGLASS  
ELLEN J. WINNER  
DEBRA EVENSON  
TERRY GROSS

October 30, 2002

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, DC 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2002 OCT 31 P 2:59

Dear Commissioners:

On behalf our clients, the Socialist Workers Party (hereinafter "SWP"), the Socialist Workers National Campaign Committee, and committees supporting candidates of the SWP, we hereby request an advisory opinion pursuant to 2 U.S.C. § 437(f) and 11 C.F.R. § 112.1 that the SWP and the committees supporting candidates of the Socialist Workers Party continue to be exempt from certain reporting and disclosure provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, *et seq.* ("FECA" or the "Act"). In its 1996 Advisory Opinion, 1996-46 (hereinafter "1996 Opinion" or "AO" or "1996 AO"), the Federal Election Commission (the "FEC" or "Commission") granted exemptions to the SWP's campaign committees from the FECA's provisions requiring, *inter alia*, disclosure of the names and residential addresses, occupations, and employers of contributors to SWP committees (§ 434(b)(3)(A)); political, authorized, or affiliated



committees making contributions or transfers to the reporting committee (§ 434(b)(3)(B), (C), (D)); lenders, guarantors, or endorsers of loans to the reporting committee (§ 434(b)(3)(E)); persons providing rebates, refunds, or other offsets to operating expenditures to the reporting committee (§ 434(b)(3)(F)); persons providing any dividend, interest, or other receipt to the reporting committee (§ 434(b)(3)(G)); and persons to whom expenditures or committees to which expenditures, disbursements, or loans have been made (§ 434(b)(5),(6)). Copies of the Commission's 1996 Advisory Opinion (downloaded from the FEC web site) and its 1990 Advisory Opinion (hereinafter, "1990 Opinion") are attached as Exhibits A and B, respectively, to this letter request.

**I. Applicable Law and Prior Determinations**

**A. Date When Advisory Opinion Request Must Be Filed**

The 1996 Opinion granted exemptions to the SWP through December 31, 2002. *AO* at 9. It further provided that:

*[a]t least sixty days prior to December 31, 2002, the SWP may submit a new advisory opinion request seeking a renewal of the exemption. If a request is submitted, the Commission will consider the factual information then presented as to harassment after 1996, or the lack thereof and will make a decision at that time as to the renewal.*

*Id.* (emphasis added).

Accordingly, the advisory opinion request seeking a renewal of the exemption must be filed by November 1, 2002, and this request is timely filed.

B. FEC's Advisory Opinions Concerning The SWP

An exemption from FECA reporting requirements for the SWP was first provided under a 1979 consent decree, which resolved *Socialist Workers 1974 National Campaign Committee v. Federal Election Commission*, Civ. A. No. 74-1338 (D.D.C.), and which "exempted the committees from the provisions requiring the disclosure of the names, addresses, occupations, and principal places of business of contributors to SWP committees; of political committees or candidates supported by SWP committees; of lenders, endorsers or guarantors of loans to SWP committees; and of persons to whom the SWP committees made expenditures." *AO* at 1.

The exemptions were renewed in an updated settlement agreement approved by the court on July 24, 1985, and in an advisory opinion issued by the Commission in 1990. The 1990 advisory opinion "granted the same exemption provided for in the previous consent decrees," *1996 AO* at 2, as did the 1996 Opinion. *1996 AO* at 9 ("[t]he Commission...grants the committees supporting the candidates of the SWP the exemption provided for in the consent agreements and in Advisory Opinion 1990-13.") Specifically, the SWP was exempted from filing "[r]eports that identify individuals and other persons who make contributions over \$200, or who come within various other disclosure categories listed above in reference to the consent agreements." *1996 AO* at 2, citing 2 U.S.C. §§ 434(b)(3), 434(b)(5), and 434(b)(6).

One new requirement, however, imposed by the 1996 Opinion was that "each committee entitled to the exemption should assign a code number to each individual or entity from whom it receives in aggregate in excess of \$200 in a calendar year" and should include that code number in its FEC filings. *AO* at 10.

C. Constitutional Underpinnings And Their Application To The SWP By The Courts

In its 1996 Opinion, the Commission found that, upon the factual record presented, exemption from the reporting and disclosure requirements of the Act was constitutionally required under the Supreme Court's decisions in *Buckley v. Valeo*, 424 U.S. 1 (1976) and *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87 (1982). The Commission recognized that "under certain circumstances, the Act's disclosure requirements as applied to a minor party would be unconstitutional because the threat to the exercise of First Amendment rights resulting from disclosure would outweigh the insubstantial interest in disclosure by that entity." *AO* at 2. The Commission considered various incidents demonstrating continuing harassment of the SWP, its members, and affiliates, and recognized the long history of governmental harassment beginning in 1941 with the FBI's generalized investigation of the SWP that continued unabated for 35 years. Applying the constitutional principles contained in *Buckley* and *Socialist Workers* to the factual showing made, the Commission in 1996 granted the SWP an exemption from the disclosure requirements of the Act.

The fundamental constitutional principle recognized in *Buckley v. Valeo* and *Brown v. Socialist Workers '74 Campaign Committee* that the "First Amendment prohibits a State from compelling disclosure by a minor party that will subject those persons identified to the reasonable probability of threats, harassment, or reprisals," *Socialist Workers*, 459 U.S. at 101, is well established.

In *Buckley*, the Supreme Court recognized that the requirements of the Federal Election Campaign Act as applied to minor parties and independent candidates in particular may under certain circumstances be unconstitutional because of the danger of significant infringement of First Amendment rights. *Id.* at 71. The Court recognized that "the governmental interest in disclosure is diminished when the contribution in question is made to a minor party with little chance of winning an election." *Id.* at 70. Additionally, the Court noted that minor parties are unlike the major political parties because they "usually represent definite and publicized viewpoints, [thus] there may be less need to inform the voters of the interests that specific candidates represent." *Id.*

The Court, while refusing to endorse a blanket exemption for all minor parties, held that particular minor parties might present circumstances similar "to those before the Court in *NAACP v. Alabama* [357 U.S. 449 (1958)] and *Bates [v. Little Rock]*, 361 U.S. 516 (1960)], where the threat to the exercise of First Amendment rights is so serious and the state interest so insubstantial that the Act's requirements cannot be constitutionally applied."

*Buckley*, 424 U.S. at 71. As an illustration of such a case, the Court referred to *Doe v. Martin*, 404 F. Supp. 753 (D.D.C. 1975) (three judge court), which involved a branch of the Socialist Workers Party.<sup>1</sup>

The Commission has recognized that the *Buckley* standard was reaffirmed in *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87 (1982), in which the Court "grant[ed] the SWP an exemption from state campaign disclosure requirements." *AO* at 3. In *Socialist Workers*, the Court found that:

[t]he District Court properly concluded that the evidence of private and Government hostility toward the SWP and its members establishes a reasonable probability that disclosing the names of contributors and recipients will subject them to threats, harassment and reprisals. There were numerous instances of recent harassment of the SWP both in Ohio and in other States. There was also considerable evidence of past Government harassment. Appellants challenge the relevance of this evidence of Government harassment in light of recent

---

<sup>1</sup>The *Martin* case, cited with approval by the Supreme Court, concerned the constitutionality of portions of the 1974 District of Columbia Campaign Finance Reform and Conflict of Interest Act, Pub. L. 93-376, 88 Stat. 446, requiring, *inter alia*, every political committee to keep records showing the name, address, and place of business of contributors of \$10 or more, the designation of a depository bank through which the political committee will conduct all of its financial business, and the filing of publicly available reports listing the name, address, and place of business of each contributor of \$50 or more, as well as civil penalties for non-compliance. See *Doe v. Martin*, 404 F. Supp. at 755 n.1. In *Martin*, the plaintiffs asserted that the name, address, and places of employment of those supporting the SWP "will be noted by the FBI and others and that inquiries or other detrimental social pressures will ensue affecting employment and privacy." *Id.* at 755. The court had before it affidavits showing that private members had been harassed by government agencies and private employees, and also the findings of the Minnesota Ethics Commission exempting the Minnesota Socialist Workers 1974 Campaign Committee from the disclosure requirements of the Minnesota Ethics in Government Act of 1974. *Id.* at 756-57 n.4.

efforts to curb official misconduct. Notwithstanding these efforts, the evidence suggests that hostility toward the SWP is ingrained and likely to continue.

459 U.S. at 100-01.

The Commission also recognized that *Socialist Workers* "clarified the extent of the exemption recognized in *Buckley*, stating that the exemption included the disclosure of the names of recipients of disbursements as well as the names of contributors." AO at 3 (citing *Socialist Workers*, 459 U.S. at 95). The Commission has recognized that the *Buckley* standard applies "to both contributors and recipients of disbursements." AO at 3.

The United States Court of Appeals for the Second Circuit used the *Buckley* standard to hold that it would violate the First Amendment to apply the disclosure and record keeping provisions of FECA to a campaign committee of the Communist Party. In *Federal Election Commission v. Hall-Tyner Election Campaign Committee*, 678 F.2d 416 (2d Cir. 1982), cert. denied, 459 U.S. 1145 (1983), the court considered the application of FECA to the campaign committee for the Presidential and Vice Presidential candidates of the Communist Party. In holding that this campaign committee could not be compelled, consistent with the First Amendment, to comply with FECA's disclosure and record keeping provision, the court stated:

[W]e note that *Buckley* did not impose unduly strict or burdensome requirements on the minority group seeking constitutional exemption. A minority party striving to avoid FECA's disclosure provisions *does not carry a burden of*

*demonstrating that harassment will certainly follow compelled disclosure of contributors' names.* Indeed, when First Amendment rights are at stake and the spectre of significant chill exists, courts have never required such a heavy burden to be carried because 'First Amendment freedoms need breathing space to survive.' [internal citations omitted]. Breathing space is especially important in a historical context of harassment based on political belief.

*Hall-Tyner*, 678 F.2d at 421-22 (emphasis added). See 1990 AO at 11,634. The Court found that based upon "the treatment historically accorded persons identified with the Communist Party" and a survey of statutes purporting to subject Communist Party members to civil and criminal liability, the minimal government interest in obtaining the information could not justify the restraint upon the First Amendment rights of the committee and its supporters. *Id.* at 422. Indeed, the Court admonished the Commission, stating that in light of the factual record, it had proceeded with an "appalling disregard for the needs of the free and open political process safeguarded by the First Amendment." *Id.* at 424. The Court further stated: "This agency charged with administering a comprehensive statute governing fundamental First Amendment freedoms should tread far more lightly than is apparent here. When dealing with values as fragile and precious as those contained in the First Amendment, special care is required." *Id.* It is clear from the Commission's citations to *Buckley*, *Socialist Workers*, and *Hall-Tyner* contained in the 1996 advisory opinion that the Commission has unequivocally recognized its obligation to protect the First Amendment rights of minor political parties. Moreover, the Commission has recognized that

notwithstanding efforts to curb official misconduct, the evidence suggests that "hostility toward the SWP is ingrained and likely to continue." *AO* at 11,634 (quoting *Socialist Workers*, 459 U.S. at 101).

More recently, in *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334 (1995), the Supreme Court held that an Ohio statute prohibiting distribution of anonymous campaign literature violated the First Amendment. There, the Court reiterated the principle that FECA, while facially constitutional, is not constitutional in all of its applications. *Id.* at 1524 n.21. By way of illustration and example, the Court approvingly cited and quoted *Buckley v. Valeo* as "exempting minor parties from disclosure requirements if they can show a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or private parties" and *Socialist Workers v. Socialist Workers '74 Campaign Committee* as "holding Ohio disclosure requirements unconstitutional as applied to a minor political party which historically has been the object of harassment by government officials and private parties." *Id.* (internal quotations omitted).

Further, in *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182 (1999), the Court reaffirmed the importance of First Amendment rights against compelled disclosure, finding that a Colorado statute requiring that proponents of an



initiative report names and addresses of all paid circulators and amount paid to each circulator violated the First Amendment's free speech guarantee.

In *In re Bay Area Citizens Against Lawsuit Abuse*, 982 S.W.2d 371 (Tex. 1998), the Texas Supreme Court noted that due to the potential chilling effect, a compelling state interest was required in order to compel disclosure of an organization's members or contributors:

Compelled disclosure of the identities of an organization's members or contributors may have a chilling effect on the organization's contributors as well as on the organization's own activity. *See Buckley v. Valeo*, 424 U.S. 1, 66-68, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976). For this reason, the First Amendment requires that a compelling state interest be shown before a court may order disclosure of membership in an organization engaged in the advocacy of particular beliefs. *Tilton*, 869 S.W.2d at 956 (citing *NAACP*, 357 U.S. at 462-63, 78 S.Ct. 1163).

*Id.* at 375.

D. Required Showing – "Reasonable Probability"

As the Commission recognized in its 1996 Opinion, *AO* at 2-3, the required showing that a minor political party must make to qualify for an exemption under *Buckley* is as follows:

Minor parties must be allowed sufficient flexibility in the proof of injury to assure a fair consideration of their claim. The evidence offered need show only a *reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or private parties*. The proof may include, for example, specific evidence of past or present harassment of members due to their associational ties,

or of harassment directed against the organization itself. A pattern of threats or specific manifestations of public hostility may be sufficient.

424 U.S. at 74 (emphasis added).

In *In re Bay Area Citizens Against Lawsuit Abuse*, 982 S.W.2d 371 (Tex. 1998), the Texas Supreme Court considered what quantum of evidence met the *Buckley* standard. Plaintiffs offered evidence that "individuals opposed to BACALA's agenda had boycotted the business establishments of persons affiliated with BACALA and encouraged others to do the same" and that others would not make contributions to BACALA if they were identified. The Court found that although the harassment was not as severe as that in the *Brown v. Socialist Workers* case, a "factual record of violent past harassment" was not necessary to meet the *Buckley* standard. *Id.* at 377. Stated the Court:

In *Brown*, for example, the campaign committee introduced evidence of harassment including threatening phone calls, hate mail, destruction of property, and physical violence. We agree with the taxpayers that the threat to BACALA is not as severe as that demonstrated in cases such as *Brown* or *NAACP*. However, such a *factual record of violent past harassment is not the only situation in which courts have recognized a potential infringement on an association's First Amendment rights. Local 1814, Int'l Longshoremen's Assoc. v. Waterfront Comm'n of New York Harbor*, 667 F.2d 267, 271 (2d Cir.1981); see also *Community-Service Broadcasting of Mid-America, Inc. v. Federal Communications Comm'n*, 593 F.2d 1102, 1118 (D.C.Cir.1978) ("The absence of such concrete evidence [of harassment], however, does not mandate dismissal of the claim out of hand; rather it is the task of the court to evaluate the likelihood of any chilling effect....").

*Id.* (emphasis added).

The Texas Supreme Court then discussed what types of showings might be sufficient:

In *Local 1814*, the court found it sufficient that longshoremen contributors would perceive a connection between contributing to a political fund and being called before the Waterfront Commission and would therefore discontinue their contributions. *Local 1814*, 667 F.2d at 272 [additional internal citation omitted]. And in *Pollard v. Roberts*, the Supreme Court affirmed the district court's recognition of the potential infringement on First Amendment rights that could result from political and economic reprisals, even though no factual showing of such reprisals had been made:

While there is no evidence of record in this case that any individuals have as yet been subjected to reprisals on account of the contributions in question, *it would be naive not to recognize that the disclosure of the identities of contributors ... would subject at least some of them to potential economic or political reprisals of greater or lesser severity.....* Disclosure or threat of disclosure well may tend to discourage both membership and contributions thus producing financial and political injury to the party affected.

*Pollard v. Roberts*, 283 F.Supp. 248, 258 (E.D.Ark.), *aff'd. per curiam*, 393 U.S. 14 (1968).

In sum, BACALA has offered factual, non-speculative evidence of economic and political reprisals against itself and its contributors. This evidence is sufficient to satisfy its burden of proof.

*Id.* (emphasis added).

#### E. Recent Amendments

The FEC was amended in 1999, 2000, and 2002, with such amendments to take effect during this next reporting period for the SWP. *See, e.g.* Pub. L. 106-58 § 641(b). Insofar as these new amendment may require the SWP to disclose the names of its

contributors and vendors, SWP requests exemption from these requirements as they will create the same chilling effect with regard to minor parties cautioned against in *Buckley* and *Socialist Workers*.<sup>2</sup>

## II. SWP's Status as a Minor Political Party

Where minor parties are concerned, courts have found that the government for a number of reasons has a diminished interest in the disclosure of information concerning contributors and contributions. First, as noted above, the Court in *Buckley* found that "the governmental interest in disclosure is diminished when the contribution in question is made to a minor party with little chance of winning an election." *Id.* at 70.<sup>3</sup> Second, minor parties are unlike the major political parties because they "usually represent definite and

---

<sup>2</sup> The amendments include provisions governing:

- expenditure of personal funds. § 434(a)(6)(B)
- the posting of FEC filings on the Internet. § 434(a)(11)(B)
- software for filing of reports. § 434(a)(12)
- reporting requirements for national and congressional political committees. § 434(e)
- electioneering communications § 434(f)
- time for reporting certain expenditures. § 434(g)
- requiring reports from inaugural committees. § 434(h)

<sup>3</sup>Similarly, in *Federal Election Commission v. Tyner*, 524 F.Supp. 955 (S.D.N.Y. 1981), *aff'd* 678 F.2d 416 (2d. Cir. 1982), the court found that because Communist Party candidates could not in the foreseeable future have a significant impact on an election, contributors did not have a reasonable expectation of exacting a quid pro quo, and that therefore the governmental interest in enforcing contribution was not sufficiently compelling to justify the resultant injury to associational rights.

publicized viewpoints, [thus] there may be less need to inform the voters of the interests that specific candidates represent." *Id.* Third, because minor party candidates are unlikely in the foreseeable future to win an election, contributors do not have "a reasonable expectation of exacting a *quid pro quo* from a current or potential elected official" and that therefore the governmental interest "in providing the FEC with data...is not sufficiently compelling to justify the injury resulting to important First Amendment rights." *Federal Election Commission v. Tyner*, 524 F.Supp. 955, 961 (S.D.N.Y. 1981), *aff'd* 678 F.2d 416 (2d. Cir. 1982).

In exhibits to this letter, we present additional evidence that establishes that SWP is clearly a minor political party and as such there is a diminished governmental interest in disclosure. No SWP candidate has come close to winning an election in the six years since the last exemption was granted. Exhibit C, Declaration of Margaret Trowe, October 9, 2002. SWP candidates for U.S. President received only 8,746 votes nationwide in 1996 and only 10,644 votes nationwide in 2000. *Id.* Further, no SWP candidates on the ballot for U.S. Senate or the House of Representatives received more than 15,000 votes in any election during that period, with the vast majority (thirty-five of thirty-seven candidates) receiving not even 5,000 votes. *Id.* Additionally, in 2000, the treasurer of the Socialist Workers National Campaign Committee requested that each of the SWP local committees that had supported a candidate for federal office report to him the total number of

contributors to their respective committees, as well as the number of contributors who had provided more than \$300. The results were as follows: (1) seventeen committees supported a candidate for federal office, and (2) a total of only 354 people *nationwide* contributed funds to those committees, for an average of only approximately twenty contributors per committee. Exhibit D, Declaration of Gregory McCartan, Dec. 23, 2000. Even more strikingly, there was only *one* contribution *nationwide* to those committees of over \$300.00. *Id.* Thus, the SWP is clearly a minor party that receives financial support in what can only be characterized as tiny amounts, and as such the governmental interest in disclosure is greatly diminished.

### **III. Historical Background**

For over two decades, the courts and the Commission have exempted the SWP from reporting and disclosure requirements under the FECA.

Before turning, in Part IV, to the evidence of recent harassment justifying the renewal of the exemption, we will discuss the extraordinary history of government persecution of the SWP – its long duration, extraordinary intensity, and gross illegality, all as determined by the federal courts<sup>4</sup> and by Congress.<sup>5</sup> As the Commission explicitly found

---

<sup>4</sup>*Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986).

<sup>5</sup>Sen. Rep. No. 94-755, Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, Book II, Intelligence Activities and the Rights of Americans, and Book III, Supplementary Detailed Staff Reports on Intelligence Activities and the Rights of Americans.

in its 1996 opinion, this history of harassment is a factor in determining whether an exemption should be granted:

Nevertheless, the continuation of harassment from private and local police sources during the 1990-1996 period, *coupled with the long history of harassment of the SWP*, is still sufficient evidence that there is a reasonable probability that the compelled public disclosure of previously exempted information will subject the persons in exempted categories to threats or harassment from various sources.

AO at 9. (emphasis added). The Commission further noted that the 1990 Opinion also considered "*both 'present' and historical harassment*" in agreeing to renew the exemption.

AO at 4 (emphasis added).

In its previous opinions, *see 1996 Opinion at 3-5; 1990 Opinion at 11,634-35*, the Commission has described some of this extraordinary history of federal misconduct and animus. While there is no need to establish once again the facts already found by the Commission, we do believe it important to summarize here again that prior showing, lest the full force of what transpired be lost. Given the intensity, duration, and pervasiveness of government persecution, it is hardly surprising that the history of FBI disruption ("COINTELPRO"), warrantless burglaries, warrantless wiretaps, informant penetration, and the like still intimidates and still hampers the ability of the SWP to solicit contributions and to engage in educational and political activities. *See, e.g.* Exhibit E, Declaration of Sara J. Lobman, October 3, 2002.

Beginning in 1941, the Federal Bureau of Investigation began a generalized investigation of the SWP which was to last for at least the next 35 years. *Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986).<sup>6</sup> The investigation began in roughly the same time period that 18 supporters of the SWP were prosecuted and convicted for conspiring to advocate the violent overthrow of the government under the Smith Act, 18 U.S.C. § 2385. *Dunne v. United States*, 138 F.2d 137 (8th Cir. 1943), *cert. denied*, 320 U.S. 790 (1943).

In the course of its investigation, the FBI amassed over 8 million documents. Between the years 1960 and 1976, the FBI employed approximately 1,300 informers, of whom approximately 300 became or were supporters of the SWP, paying over \$1.6 million to the informers alone. The informers routinely and regularly reported upon the lawful political activities, discussions, and debates of the SWP as well as reported the names, addresses, descriptions and places of employment of supporters and their families. The informers reported, again on a regular basis, a host of personal information including

---

<sup>6</sup>The facts concerning the government's generalized investigation of the Socialist Workers Party are drawn from this decision unless otherwise noted. In 1976, over the objections of the FBI, the Attorney General ostensibly terminated the generalized domestic security investigation of the SWP, 642 F. Supp. at 1400. In doing so, he specifically left open the possibility of reopening the investigation in the future, instructing that information concerning an asserted link between the SWP and a foreign-based political group "should be carefully watched" and that the emergence of "new facts or circumstances" may "justify investigation" and "a reconsideration would be in order." 642 F. Supp. at 1401.



information on marital or cohabitational status, marital strife, health, travel plans and personal habits.

As the Commission recognized, the SWP was the subject of the FBI COINTELPRO Program in the 1960's and 1970's. 1990 AO at 11,635. The avowed purpose of the program was "designed to disrupt the SWP on a national, as well as local level." *Id.* (quoting *Socialist Workers Party v. Attorney General*, 642 F. Supp. at 1348). Under the COINTELPRO Program directed specifically at the SWP,<sup>7</sup> at least 46 specific disruption operations were conducted by the FBI. The disruption included, among other activities,<sup>8</sup> attempts to embarrass SWP candidates, cause the arrest of candidates, foment racial strife within the SWP and between the SWP and other groups, and cause strife between SWP supporters and others in a variety of political movements and coalitions.

The Commission found that the FBI conducted warrantless electronic surveillance of the SWP on an extensive basis. *Id.* In total, electronic eavesdropping resulted in the collection of all manner of information on political matters as well as a host of information on more personal matters.

---

<sup>7</sup>The SWP was also targeted for disruption under the auspices of the COINTELPRO Programs directed against the Communist Party and the "New Left." 642 F. Supp. at 1385.

<sup>8</sup>An overview of the disruption activities is set forth in *Socialist Workers Party v. Attorney General*, 642 F. Supp. at 1385-89. A more detailed description of many of the disruption activities can be found in Nelson Blackstock, COINTELPRO: THE FBI'S SECRET WAR ON POLITICAL FREEDOM (3rd ed. 1988).

During the same time period, the FBI conducted at least 204 "surreptitious entries," *Id.*, or black bag jobs, *i.e.*, burglaries of the offices of the SWP. These burglaries were, of course, not the only means by which the government obtained documents, for the government also maintained an extensive network of informants who, as the Commission found, "reported on the activities, discussions, and debates of the SWP." *Id.*

As the Commission noted, over a period of many years, the FBI maintained lists of the names, addresses, and employers of SWP members -- successively identified as the Custodial Detention List, the Security Index and the Administrative Index -- which targeted individuals for detention in the event of a "national emergency." *Id.* at 11,635. The FBI intended to include all SWP members on these lists.

*Id.*

Beginning in 1948, the SWP was included on the Attorney General's list of organizations designated pursuant to Executive Order 9835 establishing the Employee Loyalty Program for certain employees of the executive branch of the government.<sup>9</sup> Under

---

<sup>9</sup>Executive Order 9835 provided that in determining loyalty to the government, one of the factors to be considered was an individual's membership in an organization designated by the Attorney General:

as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

the program, any member of a listed organization who applied for a job was subjected to a full field investigation by the FBI and was questioned concerning his or her loyalty. The loyalty determination was then used in determining whether to hire the individual.<sup>10</sup>

*Socialist Workers Party v. Attorney General*, 642 F. Supp. at 1396-97.

Even after the Attorney General's list was terminated in 1974, the FBI continued to report an individual's membership in the SWP. In that period, the FBI described the SWP as follows:

The SWP is a revolutionary, Trotskyist-communist organization which has as its purpose the overthrow of the U.S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society.

642 F. Supp. at 1399.

In 1986, after 13 years of litigation, the court in *Socialist Workers Party v. Attorney General* awarded damages against the United States for this sustained and systematic violation of the SWP's rights. 642 F. Supp. at 1417-25. It found that the FBI had acted "with a malign purpose," with the intent of causing harm, and without any legal authority or justification. *Id.* at 1419-20.

---

Executive Order 9835 was substantially amended by Executive Order 10241 and superseded by Executive Order 10450 so as to include *all* government civilian employees. The Attorney General continued to maintain his list including the SWP throughout these changes.

<sup>10</sup>There have been a number of instances in which the fact of the individual's association with the SWP affected his or her employment. See 642 F. Supp. at 1389-99.

As the Commission found in its 1990 Advisory Opinion, there is reason to believe that the federal animus against the SWP continues, *1990 Opinion* at 11,635, reinforcing the chilling effect on First Amendment rights created by past misconduct. The Commission noted that, even after the federal court had issued its 1986 judgment holding the FBI's decades-old campaign against the SWP unconstitutional, *Socialist Workers Party*, 642 F. Supp. 1357, and had further found that, as the Commission summarized the holding, the SWP was engaged in "peaceful, lawful political activity," *1990 AO* at 11,635, the federal government submitted affidavits in 1987 asserting a continuing need to access information about the SWP, its members, and supporters. The Commission found these affidavits to be significant evidence of the existence of continued governmental hostility. *Id.* In the government's view, the SWP remained a "hostile organization which has consistently posed a threat to free government." *Id.* (internal quotations omitted). The government continued to insist that "it was -- and is -- reasonable for the FBI and other agencies of the Government to believe that the SWP and its members have a revolutionary ideology whose goal is the violent overthrow of our democratic processes and form of government." Exhibit B to SWP's November, 1, 1996 Advisory Opinion Request to the FEC ("1996 Request") at 9 (emphasis supplied); this "revolutionary ideology . . . poses a threat to the fundamental interest of self-preservation," *id.* at 10.

On this basis, the federal government asserted an interest in and need to know and record the names of members and individuals associated with the SWP. *See Socialist Workers Party v. Attorney General*, 666 F. Supp. 621, 623 (S.D.N.Y. 1987).

Representatives of various government agencies expressed their intent to use such information, and their fundamental antagonism toward the SWP, in clear terms. For example, the Office of Personal Management argued that such "information [is] important because these organizations in the past were opposed to our form of Government and the national interest." Declaration of Gary B. McDaniel ¶ 6, Exhibit C to 1996 Request. The Department of State asserted its need for access to these files because of a need for information about, in its representative's words, "interaction with a group advancing a hostile ideology" for security clearances, and "information about any hostile organization which has consistently posed a threat to free governments. . . ." Declaration of Roger H. Robinson, ¶¶ 4, 6 Exhibit D to 1996 Request. The Immigration and Naturalization Service claimed a need to know the identities of SWP supporters in order to enforce laws making an individual who advocates world communism or the establishment of totalitarian dictatorship deportable from this country, excludable from this country or ineligible for naturalization. Declaration of Edwin W. Dornell, ¶¶ 5, 6, Exhibit E to 1996 Request.<sup>11</sup> *See*

---

<sup>11</sup>See 8 U.S.C. §§ 1182(2)(28)(D) and (F), 8 U.S.C. § 1251(a)(6)(D) and 8 U.S.C. 1424(a)(3). There are numerous statutes in addition to these immigration provisions which place supporters of the SWP in danger of legal sanctions or harassment if their associations were made public. In addition to the Smith

also Declaration of Thomas J. O'Brien ¶¶ 3-9, Exhibit F to 1996 Request, explaining need for access to FBI files on the SWP because they "may serve to corroborate or establish an affiliation with" an organization "characterized by Executive Order 10450" for the purposes of investigations of members of the armed services, civilian employees and employees in industry by the Defense Investigative Service.

The court ruled against the government's demand for access to the names of SWP members and associated individuals. *Socialist Workers Party v. Attorney General*, 666 F. Supp. 621, 623 (S. D. N. Y. 1987). More significantly for the issue at hand here, the government's assertions of need of information and pronouncements of intended uses reinforce the lesson reasonable persons draw from the historical record of federal misconduct and animus: that disclosure of their relations with or support of the SWP or its candidates might provide, now or sometime in the future, a basis for federal investigation or other prejudicial actions.

---

Act, 18 U.S.C. § 2385, there is a host of other legislation which potentially exposes individuals to civil and criminal sanctions. See discussion in *FEC v. Hall-Tyler Election Campaign Committee*, 678 F.2d at 422 and statutes surveyed in Appendix to Brief of Defendants-Appellee filed in that case.

#### **IV. Evidence of Harrassment: 1996-2002**

##### **A. Introduction**

Below are summaries of evidence of continuous threats, harassment, and reprisals directed at the SWP, and of SWP's continued status as minor political party since the submission. Dispositively, the current submission is comparable to the factual submission that this Commission previously found sufficient to justify exemption in 1996. Indeed, in 1996 we presented documentation of 72 incidents of harassment, and here we present documentation of 74 incidents. Each incident is documented by sworn declarations of a person with personal knowledge of the matter, contemporaneous correspondence, official records, photographs, or articles that appear in mass circulation sources unrelated to any party. These incidents are documented in the volume of exhibits accompanying this request for an advisory opinion and reference is made thereto. The exhibits have been arranged to correspond to the numeration in this summary.

As shown by these incidents:

- harassment of SWP supporters continues to take place nationwide.
- the incidents include egregious examples such as death threats, terminations of employment, office break-ins, and the strewing of animal parts.
- there is widespread harassment of SWP supporters by private parties and local authorities, both of which are constitutionally significant under *Buckley* and *Socialist Workers*.
- there also have been at least three instances of reprisal or harassment by officers of the federal government.

Additionally, the State of Washington Public Disclosure Commission on August 27, 1998 granted the Socialist Workers Party 1997 Campaign (the election campaign committee of the SWP) an exemption from state reporting requirements (hereinafter, "State of Washington Opinion"), attached hereto as Exhibit F. Based on testimony offered at a hearing, the Commission made the following findings of fact:

2. There is a long history of harassment, disruptive efforts by individuals and government agencies, government surveillance, and threats against individuals identified with the Socialist Workers Party nationwide. The Socialist Workers Party is outspoken in its defense of the rights of Blacks and other minorities, desegregation, affirmative action, and similar other controversial issues. As a result, candidates and party supporters have been subject to racial threats and potential victimization....
5. There are instances where businesses fear they will become the target of reprisals if it is known they do business with the party or its candidates....
6. Disclosure of the names and addresses of person who contribute...[or] the names and addresses of persons who supply goods and services...[or] the occupation of any coded contributors, or the employers of such contributors....[or] [M]aking the books and records of the Party available for public inspection...could have a chilling effect on the party's ability to solicit and collect campaign funds, and on the Party's ability to purchase necessary campaign materials and services.

State of Washington Opinion at 1-2. The Commission concluded that "literal compliance with all the provisions of the [reporting] statute...would work a manifestly unreasonable hardship on the applicant. *Id.* at 2.



Prior to the state decision, the City of Seattle Ethics and Elections Commission on September 27, 1997 did deny the SWP an exemption from the relevant municipal disclosure laws ("City of Seattle Opinion")(attached hereto as Exhibit G), basing its opinion in part on the grounds that "a large segment of the local population openly and routinely expresses views on... issues [of abortion rights and union support] that parallel those of the Socialist Workers' 1997 Campaign." The events that followed, however, only reinforce the continuing need for exemptions, even in a city as famously tolerant as Seattle. In September 1997, an individual who had mailed the SWP a check visited the SWP offices *in person* to seek the return of his contribution, stating that he had learned of the City of Seattle's recent denial of the exemption, and that he did not want his identity as a Socialist Workers Party contributor publically disclosed. When he learned that the name of his employer would also be disclosed, he expressed even more concern. Exhibit H. Also in September 1997, shortly after the issuance of the City of Seattle Opinion, a long time SWP supporter said that he and his wife would certainly think twice about contributing to the SWP, and he was especially concerned about reprisals against his wife, a Boeing employee. Exhibit I. Additionally, there have been numerous instances of harassment of SWP supporters in Seattle subsequent to the City of Seattle's ruling. See Exhibits 50, 51, 52, 56, 66, 67, 69, 73, 74. Clearly, the Commissioners in Seattle had too sanguine a view in denying the exemption.

The need for continued exemptions is also clearly demonstrated by the SWP's 2000 U.S. presidential campaign, where many people who were interested in the campaign, including co-workers of the SWP presidential candidate, declined to disclose their names or addresses--either on nominating petitions aimed at placing the candidate on the ballot, or by subscribing to newspapers endorsing SWP candidates-- because they feared being placed on a federal or FBI list. Exhibit J, Declaration of Margaret Trowe, December 23, 2000; Exhibit K, Declaration of James Harris, December 23, 2000; *see also* Exhibit L, First Declaration of Edwin Fruit; September 30, 2002; Exhibit M, Second Declaration of Edwin Fruit, September 30, 2002; Exhibit N, Malapanis Declaration, Oct 9, 2002.

**B. Specific Incidents**

We summarize the post-1996 showing of harassment, threats, and reprisals as follows:

1. In September 2002, SWP supporters staffing a literature table at a book fair in New York City were threatened by a man who screamed "I'll kick your ass, and don't think I can't," and that the SWP supporters did not have the right to distribute this "fucking shit."
2. In September 2002, SWP supporters were campaigning outside a factory in Newark when a man who identified himself as the factory's owner ripped a leaflet out of one

of the supporter's hands, threatened to "fuck ...up" the supporters, told them to "get the fuck off his property" and repeatedly shoved them.

3. In September 2002, someone left a voice mail message at the SWP campaign headquarters in San Francisco, saying "Hey you cocksucker...war with Iraq. Bye."
4. In September 2002, an SWP candidate for governor was addressing a crowd from a soapbox in Omaha, Nebraska. A woman threatened the candidate and SWP supporters, saying that if they didn't leave, she would come back with some of her friends and take care of them.
5. In August 2002, during a public petition drive in Washington, D.C. to place an SWP nominee on the mayoral ballot, SWP campaign headquarters were broken into three times in one week, with minor items taken on the first break-in, and apparently nothing taken in the second two break-ins. On the last break-in, the intruder or intruders rifled through the bags and briefcases of SWP supporters.
6. In June 2002, SWP supporters set up a literature table outside a supermarket in Miami. A security guard and a manager from the supermarket told them to leave or else they would call the police. After the SWP supporters moved the table across the street, the security guard informed them that the owner of the store said that all of the sidewalks around the store were his property, and that he was going to call

the police. A police officer arrived and confirmed that they were on public property, but forced the SWP supporters to take the table down.

7. In June 2002, SWP supporters were staffing a literature table in New York City when the operator of a nearby photo shop objected to the table and called over two policemen, who ordered the SWP supporters to move. As they were leaving, the shopkeeper said that he would try to keep the tables off the streets in that area.
8. In June 2002, SWP supporters were staffing a table in the garment district of New York City. A man who said he owned storefront business there told the SWP supporters they would have to move, and as they were moving he threatened to turn over the table.
9. In May 2002, a volunteer at an SWP literature table in Chicago was harassed. A man pushed a volunteer, knocking him back a few feet, and then invited the volunteer to "take a swing" at him.
10. In March 2002, a Newark, New Jersey police officer ordered SWP supporters to take down a campaign table at a street corner or else face arrest, since tables were not permitted on the street, even if nothing was being sold. The officer took down an SWP supporter's name, Social Security number, occupation, and place of work, informing the supporter that it would be kept on file so that he would immediately be arrested if he were caught doing something similar in the future.

11. In February 2002, three SWP supporters set up a literature table on a sidewalk in Jackson Heights, Queens. Within ten minutes, three New York City police officers approached and told them to leave, stating that the owner of a nearby store objected to the content of the literature.
12. In February 2002, a break-in occurred at the SWP campaign office in Houston, Texas. A window was smashed, a computer table broken, a scanner destroyed, and a printer pulled apart. The small amount of cash in the office was not taken. A flyer in the window, announcing a campaign in support of Palestinian rights and featuring a picture of a Palestinian child, was slit and stepped on.
13. In December 2001, two police officers opened the door to an SWP meeting in San Francisco and said they were responding to a 911 call from that location. The SWP supporters told the officers that they had made no such call, and the officers left.
14. In November 2001, on the night after a Houston mayoral election in which the SWP had fielded a candidate, a local police officer opened the door of the SWP campaign offices in Houston, Texas without knocking and interrupted discussions that were taking place.
15. In October 2001, the SWP candidate for Mayor of Miami was fired from his job after he publicly criticized U.S. policy in Afghanistan during a public debate of the mayoral candidates. As reported in the Miami Herald, the incumbent mayor called

him "treasonous" for those comments. Nine days after the debate, a manager fired the SWP candidate from his job, stating that the employee's views concerning U.S. government policy were contrary to those of the company. A State of Florida unemployment program later determined that he "was discharged because of political views."

16. In October 2001, an SWP candidate for Mayor of St. Paul, Minnesota was threatened by local police with a citation for setting up a literature table.
17. In October 2001, a man threatened SWP supporters at a literature table in San Francisco and said "I'll cut your throat!" and "You fucking bitch!" and "Get the fuck out of here," and grabbed the table, and also stood with his fists drawn back.
18. In October 2001, an SWP candidate for Mayor of Houston, Texas was threatened with immediate firing from his job at in a plant of Park Ten Foods, a subsidiary of Hormel Corporation, if any literature with his name on it appeared in the plant, regardless of who brought it in.
19. In September 2001, SWP supporters were campaigning for an SWP congressional candidate at a table near a transit stop in East Boston, Massachusetts. A man approached the table and made loud and unintelligible remarks, and a few minutes later two oranges were thrown from across the street and landed near the table.

20. In September 2001, a man approached an SWP literature table in San Francisco and flailed his arms and screamed "You fucking liberals", and a second man later threatened to punch an SWP campaigner.
21. In September 2001, four SWP supporters in New York City were attacked at a campaign table. One man tore a sign about Israel off the table and then overturned it. Two other men joined in and attacked the campaign supporters, who had to defend themselves with the help of bystanders.
22. In September 2001, vandals egged SWP headquarters in Des Moines, Iowa, as reported in the Des Moines Register.
23. In August 2001, while at a literature table, a young man told an SWP candidate for Mayor of Cleveland, Ohio that "he was betraying the white race" and that "I'm going to firebomb your house."
24. In July 2001, in Brooklyn, New York, local police officers charged SWP supporters at a literature table with disorderly conduct and unlicensed vending. Security guards from the nearby Brooklyn Academy of Music had stayed near the table for two hours, videotaping the SWP supporters and making a list of books on the table. The charges were later suspended by a judge.

25. In July 2001, in Charlotte, North Carolina, a young man boasted to a SWP supporter at a literature table about how many "commies" he'd killed, and then told the SWP supporter in a threatening way, "[o]bviously, I didn't kill enough."
26. In March 2001, SWP supporters distributing the *Militant* newspaper in the parking lot of a Wal-Mart in Bessemer, Alabama when a Wal-Mart customer said "Socialist? Can I say 'Fuck you'?" in a threatening tone of voice. Later, a security guard blocked their way with his car as they attempted to leave.
27. In March 2001, a man and a woman pounded very hard on the glass of the SWP branch headquarters in Chicago, Illinois. A manager from an office of a different organization across the hall thought they were going to break the glass and asked them to stop. They became irate and questioned her, and continued to bang on the glass. She said that if they didn't stop and leave she would have to call the police. They became even more irate and said "Fuckin' Communist, you are a part of them."
28. In October 2000, someone wrote "COMMUNIST BITCH" on a sign advertising a speaking engagement by the SWP's candidate for U.S. Vice President at Florida International University in Miami.
29. In September 2000, someone defaced the Iowa Socialist Workers Campaign headquarters in Des Moines, Iowa with animal parts and products such as pigs feet, chicken livers, and eggs. Two pigs feet were shoved through the mail slot, chicken



livers were thrown at the front and side walls of the building, and the front windows were pelted with eggs. The attack was noted in the Des Moines Register, and is documented in attached photographs.

30. In September 2000, someone defaced a picture of an SWP presidential candidate on the door of a dorm room in Pittsburgh, Pennsylvania. KKK slogans were also written on the door.

31. In September 2000, the SWP National Campaign Committee received a threatening email stating in part:

I took out a bunch of your friends in the war ( Vietnam ). I know you  
Like a book. I wonder how you can be such idiots. My job in the war  
Was to kill Columnists [sic], and was good at it. The only good Columnist  
is a dead Columnist.

32. In July 2000, in New York, New York, a self-described Neo-Nazi told an SWP campaigner that he was "his enemy" and that "I would kill you if I could."

33. In June 2000, SWP campaigners on public property outside a meat packing plant in Toppenish, Washington were threatened by company management and made to leave.

34. In June 2000, two SWP supporters were selling newspapers on a public sidewalk in Scranton, Pennsylvania in front of a meat packing plant. The newspapers carried articles on a sit-down strike at a meat packing house in another state. A man who identified himself as the owner of the plant approached the SWP workers and

shouted obscenities at them. He then grabbed a copy of a newspaper out of a plant worker's hands and tore it to pieces. He threatened to call the police and close the plant down.

35. In June 2000, at the University of Texas-Pan American in Edinburg, Texas, SWP campaign workers were forced by campus police officers to shut down a campaign table, although they had been setting up there for many years. The officers asked for identification from a student who had been speaking to the campaigners, and then demanded that both students at the table leave. University officials later stated they had received no calls from the campus police and confirmed that political literature tables were indeed normally set up in those locations.
36. In June 2000, SWP supporters handing out anti-police brutality literature in an area of the sidewalk populated by literature tables of other political groups, as well as musicians and dancers, were given a summons and threatened with arrest in University City, Missouri. The citing officers picked up a copy of the SWP literature and laughed at it, and then brought back an additional officer. The SWP supporters offered to take down the table in response to the officers' objections but were given a summons nonetheless.
37. In June 2000, SWP campaigners on public property were made to stop campaigning and leave by police officers in Fowler, California. The campaigners were on a

street outside the Bee Sweet citrus packer plant in Fowler, California when at least three police cars approached. Several officers asked a series of questions and said that they needed a license to sell on the street. The campaigners offered to leave and the officers said something to the effect of that would be best.

38. In June 2000, a man threatened to overturn the car of an SWP supporter, and also tried to overturn an SWP literature table on a public sidewalk outside a hosiery mill in Charlotte, North Carolina. Most of the literature fell to the ground. As the SWP supporters were leaving, a woman from the company office came out and if said they came back "we'll be ready"
39. In May 2000, in Detroit, Michigan, the front window of the SWP campaign headquarters and bookstore in the same premises was shattered.
40. In May 2000, SWP supporters were selling the *Militant* newspaper door-to-door in Frackville, Pennsylvania. A local police officer instructed them to stop because of a borough ordinance requiring a license for "transient retail business." One of the SWP supporters showed the officer a copy of the Pennsylvania legal code that noted a Pennsylvania decision holding that selling a socialist newspaper door-to-door was "political, as opposed to commercial activity" and that barring it under a borough peddling and soliciting ordinance was unconstitutional. The police officer nonetheless told the SWP supporters to leave.

41. In April 2000, SWP supporters were going door-to-door in Tamaqua, Pennsylvania distributing copies of the *Militant* newspaper. A local police officer drove up in his car and told them they were violating an ordinance barring door-to-door soliciting. The supporters told the officer they were not soliciting, but rather were distributing political literature as per their constitutional rights. The officer took them to the police station in his car and gave them citations to appear in court. Their attorney wrote a letter to police department stating that they were engaged in constitutionally protected activity. The citations were dropped one month later.
42. In March 2000, an SWP supporter was seriously threatened at his job in Wayne, Pennsylvania. A picture of a man with black dots, like bullet holes, drawn on his chest, and with the SWP supporter's name written on it, was placed on a bulletin board. Another picture, this one of a wrecked car that resembled the car of the SWP supporter, was also placed on the board, also with the SWP supporter's name written on it.
43. In February 2000, a SWP supporter and presidential elector in Wisconsin took the exam to become a federal census worker. He scored a 97 and was listed as a "priority hire." Though he was supposed to hear of the results in two weeks, he heard nothing for a few months. He was told by census officials that his file had been sent to the FBI for security clearance, and the FBI confirmed this. After many

unsuccessful calls to the FBI to check on the status of his file, the SWP supporter called a reporter who had written a story about a census applicant whose file was being checked by the FBI and had not been hired, but who had been eventually cleared. Soon after talking to the reporter, he received a call back from an FBI agent. But unlike the subject of the reporter's story, the SWP supporter was never cleared by the FBI. Despite his listing as a "priority hire" and his sustained efforts to follow up on his application, he was never hired by the federal Census Bureau.

44. In December 1999, SWP supporters were cursed at and nearly run over by a man in a pickup truck in Ontario, Ohio. The SWP supporters had sold several copies of the *Militant* to workers at a General Motors plant there when a man in a pickup truck entering the plant stopped where one of them stood. "We don't want your commie shit here. I'm going to go in and get my buddies and come out here and kick your ass," said the man in the truck. He pulled forward, and then accelerated rapidly back toward the SWP supporters in reverse, with his tires leaving marks on the pavement. The SWP supporter jumped away from the truck.
45. In October 1999, federal park police officers intimidated SWP supporters in Washington, D.C. The officers told SWP supporters at a literature table during at a rally in Malcolm X Park they could not sell literature or accept donations in the

park, and if they did they would be arrested. An officer stood next to the table for the entire rally.

46. In May 1999, a man was loud and abusive and threatened SWP supporters outside their campaign headquarters in Des Moines, Iowa, stating that he would use a "cutting torch" on a nearby gate and the building. He said "you commies are causing a problem with the gate and if you close it again I'll come back and kick your ass."
47. In March and April 1999, the SWP office located in the Pathfinder Bookstore in Des Moines, Iowa, was pelted with eggs four times, as reported in the Des Moines Register and as evinced in the attached photographs.
48. In April 1999, SWP campaign supporters were threatened with arrest by local sheriffs for distributing literature near a coal mine in Morganfield, Kentucky.
49. In September 1998, SWP supporters who had been distributing literature on a public sidewalk near the employee's entrance to Reagan National Airport and who were already in their car and preparing to leave were approached by two airport authority police cars. Four officers approached, two on each side of the car. The officers were interested in the content and viewpoint of the materials, and asked to see the flyers. One said "Militant, that scares me. 'Militant,' 'militia,' same difference, right." They were then told that they needed a permit.

50. In July 1998, SWP campaigners were gathering signatures for SWP U.S. Congressional candidates in Seattle, Washington when they were severely threatened. An individual approached them and said "I have right to own a pistol and if I find a communist on the ballot...boom!" and "I spent 25 years in the U.S. Army including in Vietnam and that gives me the right to keep communists, socialists, and other motherfuckers off the street."
51. In July 1998, a man told SWP campaigners outside a supermarket in Seattle, Washington that Socialists "should be shot."
52. In July 1998, a self-identified member of the Aryan Nation harrassed and yelled obscenities at SWP supporters who were gathering signatures in Seattle, Washington.
53. In July 1998, at Penn Station in Newark, New Jersey, SWP campaigners who were collecting signatures to place SWP candidates for the U.S. Senate on the ballot were forced by transit police to leave the station, despite the fact that they had a permit specifically allowing them to collect signatures there. Later, the SWP campaigners set up a table in downtown Newark. They were verbally abused and threatened with arrest by Newark police officers, who forcibly began removing some of the literature and confiscated some of it as "evidence," and then forced the campaigners to take down the table.

54. In June 1998, an SWP candidate for Congress was formally threatened with firing if she continued to express her political views and distribute the *Militant* at work, even though other workers sold raffle tickets, cookies, and other items and distributed religious literature without harassment.
55. In April 1998, District of Columbia police harassed SWP campaign supporters and forced them to take down their literature table.
56. In April 1998, two young men approached an SWP table on a public sidewalk in Seattle, Washington and swore at them and at passerby, told people who stopped at the table that they shouldn't be walking the streets, and forced the supporters to take the table down.
57. In March 1998, SWP supporters were harassed by a campus police officer at an auditorium at the University of Alabama-Birmingham. A campus police officer approached SWP supporters at their literature table and asked for identification, and demanded to know what group they were with, and where the books were coming from. The SWP supporters told the officer they would take down the table if there was a problem, and in fact did so. Even so, the officer called police headquarters, and then issued a trespass warning. He then threatened them with jail if they ever were found on state property again. He also forced them to leave the area entirely



and not attend the lecture in the auditorium. Officers followed the SWP supporters as they walked back to their car.

58. In February 1998, two federal officers from the Federal Protective Service and one local police officer came out of the Federal Building in Birmingham, Alabama during a picket line to protest U.S. policy in Iraq. The officers stood near each picketer and took individual close-up pictures of each of their faces.
59. In February 1998, "Kill all niggers" was written three times in ballpoint pen on the door of SWP offices in San Francisco.
60. In February 1998, SWP supporters in Minneapolis, Minnesota were threatened with "enforcement action" for setting up a literature table on the sidewalk, despite being told about a prior federal court injunction permitting such tabling. The officer said they were blocking the sidewalk, but the SWP supporters and a bystander who has provided his name and address have stated that they were clearly not blocking the sidewalk
61. In December 1997, SWP offices in Saint Paul, Minnesota received two threatening phone calls, each stating "you're done."
62. In September 1997, an SWP candidate was intimidated by his employers at Boeing after a radio appearance in which he discussed his political views. The company

called him to a meeting with its Employee Relations-Ethics department. He was told that his appearance on the radio was being investigated by the company.

63. In September 1997, SWP supporters were cursed at and threatened with arrest by a local police officer in Chelsea, Massachusetts. An SWP candidate for city council was at a literature table when an officer pulled his car into a nearby driveway, blocking the sidewalk. When another supporter identified the first as a candidate for city council and said they had a right to distribute campaign materials, the officer said he was a "wise guy" and would be arrested if he said another word. The officer said he would arrest the candidate for "blocking public access", though they were not blocking the sidewalk or any passageway. The officer said he had gotten complaints about "this military shit you were passing out." The supporters contacted the ACLU, who contacted the City Attorney, who said that the candidate had a right to campaign without a permit so long as the sidewalk was not obstructed and no table was set up.
64. In September 1997, a threatening message was left on the SWP campaign committee voicemail, stating that "Soon you liars will pay for your crimes."
65. In August 1997, an off-duty Minneapolis police officer gave a citation to SWP supporters and ordered them to shut down their campaign table. SWP supporters filed suit in federal court and a federal district judge temporarily enjoined the

enforcement of the relevant ordinances on the grounds that they impinged on First Amendment rights. The citations were then dropped.


66. In July 1997, while collecting signatures to place an SWP candidate on the mayoral ballot in Seattle, SWP campaigners were cursed at and harassed by a man.
67. In July 1997, two men intimidated and harassed SWP campaigners in Seattle who were seeking signatures to place candidates on the municipal ballot. One man spat at the campaigners, and the other angrily yelled "fucking communist."
68. In July 1997, SWP campaigners set up a table with SWP literature and campaign materials for SWP candidates for mayor and city council outside the NAACP national convention in Pittsburgh. A convention police officer and a city police officer forced them to take down the table.
69. In May 1997, the following message was left on the answering machine at SWP campaign headquarters in Seattle, Washington: "You poor deprived little Militant Labor Forum pukes ought to kiss my motherfucking ass."
70. In April 1997, SWP campaigners on a public sidewalk who were attempting to collect signatures to place a candidate on the ballot were told by Howard University police officers that they were trespassing and that they would be arrested.

71. In April 1997, after having made an appearance on local television criticizing U.S. policy towards Cuba, an SWP supporter had his tires slashed at work in Opa Locka, Florida. His tires were slashed again in the spring of 1998.
72. In February 1997, Young Socialists in Spokane, Washington were harassed by security guards at a downtown transit center. The guards covered up the signs and the books on their literature table, forcefully argued with the campaigners for more than half an hour, effectively using up their time and preventing them from speaking to the public, and checked their permit numerous times.
73. In October 1996, someone left the following messages on the answering machine of SWP campaign headquarters in Seattle, Washington: 1) "You're nothing but a dumb, Black-assed reverse racist piece of shit. You want to turn this country into a U.S.S.R. run by Blacks and Hispanics," and 2) "Fucking morons, the Cubans are starving, you guys are so stupid."
74. In October 1996, SWP campaign headquarters in Seattle received anonymous threatening mail, stating, among other things, that "I can't even imagine there ever being a nigger president and a Mexican spic greaser vice president. I am enclosing a 14" by 4" dildo for your pleasure."

### CONCLUSION

Based on the foregoing, there is a reasonable probability that the compelled disclosure of the Socialist Workers Party's contributions and recipients will subject them to threats, harassment or reprisals from private citizens or various branches of the government. The factual showing made here evidencing continued harassment along with the continuing impact of the long history of governmental harassment is in all respects comparable to the showing that was made in 1996. The SWP has again demonstrated that there is a reasonable probability that they will be subject to threats, harassment, or reprisals from governmental or private sources unless its campaign committees are granted a renewal of the exemption granted in the 1996 advisory opinion and that under the First Amendment, the SWP and its campaign committees cannot be compelled to disclose information concerning their contributors or recipients.

Sincerely yours,



Michael Krinsky  
Jaykumar Menon

**EXHIBITS SUBMITTED IN SUPPORT OF 2002 REQUEST BY THE SOCIALIST  
WORKERS PARTY, THE SOCIALIST WORKERS PARTY NATIONAL CAMPAIGN  
COMMITTEE AND COMMITTEE SUPPORTING CANDIDATES OF THE SOCIALIST  
WORKERS PARTY FOR AN ADVISORY OPINION**

RABINOWITZ, BOUDIN, STANDARD,  
KRINSKY & LIEBERMAN, P.C.  
740 Broadway, 5<sup>th</sup> floor  
New York, New York 10003-9518  
(212) 254-1111  
*Attorneys for Requesting Parties*

## **EXHIBITS TO 2002 ADVISORY OPINION REQUEST LETTER**

- A.   FEC Advisory Opinion 1996-46
- B.   FEC Advisory Opinion 1990-13
- C.   Declaration of Margaret Trowe
- D.   Declaration of Gregory McCarten
- E.   Declaration of Sara Lobman
- F.   1998 State of Washington Ruling
- G.   1997 City of Seattle Ruling
- H.   Statement of Geoff Mirelowitz
- I.   Statement of Robbie Scherr
- J.   Declaration of Margaret Trowe
- K.   Declaration of James Harris
- L.   Declaration of Edwin Fruit
- M.   Declaration of Edwin Fruit
- N.   Statement of Argyrios Malapanis
- 1.   Declaration of Daniel Fein
- 2.   Declaration of Ved Dookhun
- 3.   Declaration of Deborah Liatos
- 4.   Declaration of Nelson Gonzalez
- 5.   Declaration of Sam Manuel
- 6.   Declaration of Argyrios Malapanis
- 7.   Declaration of Ellen Brickely

8. Declaration of Ellen Brickely
9. Declaration of Joel Britton
10. Declaration of Michael Taber
11. Declaration of Daniel Fein
12. Declaration of Philip J. Duzinski; SWP Press Release
13. Declaration of Rollande Girard
14. Declaration of Philip Duzinski
15. Declaration of Michael Italie; articles from Miami Herald; Florida Unemployment Compensation Program statement.
16. Declaration of Tom Fiske
17. Declaration of Deborah Liatos
18. Declaration of Anthony Dutrow
19. Declaration of William T. Leonard
20. Declaration of Deborah Liatos
21. Declaration of Emily Fitzsimmons
22. Article from Des Moines Register, September 3, 2001
23. Declaration of Eva R. Braiman
24. Declaration of Mark Gilsdorf
25. Declaration of Dean Hazlewood
26. Declaration of Evan Roberts
27. Declaration of Joel Britton; letter from Roxana Roman
28. Declaration of Rebecca Arenson



29. Declaration of Joseph R. Swanson; article from Des Moines Register, SWP Press Release; photographs of pig's foot and other animal products
30. Declaration of Angela Abernathy
31. Declaration of Gregory McCartan; copy of email to SWP
32. Declaration of Jacob Perasso
33. Declaration of Ernest Mailhot
34. Declaration of Betsy Farley
35. Declaration of Tom Leonard
36. Declaration of William Arth; copy of summons; letter from Alison Kennedy; letter from Kim Kleinman
37. Declaration of Ned C. Measel
38. Declaration of Naomi Craine
39. Declaration of Ellen Berman; copy of police report; articles from The Militant
40. Declaration of Betsy Farley; excerpt from case reporter.
41. Declaration of Candace Wagner; letter from Gregory O'Connell; copy of Notice of Withdrawal of Charges
42. Declaration of John Staggs; copy of photograph of wrecked car.
43. Declaration of Wes Weinhold
44. Declaration of Michael J. Fitzsimmons
45. Declaration of Mary Martin
46. Declaration of Raymond A. Parsons
47. Declaration of Joseph R. Swanson; article from Des Moines Register; SWP statements,

photographs of vandalized offices.

48. Declaration of Earl L. Kidd
49. Declaration of Thomas L. Headley
50. Declaration of Geoff Mirelowitz
51. Declaration of Dennis Richter
52. Declaration of Estelle Debates
53. Declaration of Nell Wheeler
54. Declaration of Lea Sherman; materials from employee file
55. Declaration of Brian Williams; letter to Mayor of Washington, D.C.
56. Statement of Chris Rayson
57. Declaration of Henry Clay Dennison
58. Declaration of Susan Lamont
59. Declaration of Omari Musa; photograph of graffito.
60. Declaration of Joseph P. Callahan
61. Declaration of Bill Scheer
62. Declaration of Scott A. Breen
63. Declaration of Linda Marcus
64. Declaration of Omari Musa
65. Declaration of Jennifer Benton; court appearance documents; legal bill; legal correspondence;  
SWP statement; articles from Minneapolis Star Tribune; articles from St. Paul Pioneer Press;  
opinion and order from U.S. District Court, District of Minnesota.
66. Declaration of Jeff Powers

67. Declaration of Autumn Knowlton
68. Declaration of Diana Newberry
69. Declaration of Jeff Powers
70. Declaration of Brian Williams; copies of related correspondence.
71. Declaration of Rollande Girard
72. Statement of Alaric Dirmeyer
73. Declaration of Jeff Powers
74. Correspondence addressed to Socialist Party in Seattle, Washington

Exh. A  
11 pages

A-1

# Federal Election Commission Advisory Opinion Number 1996-46

[Back to Federal Election Commission Advisory Opinions Search Page](#)

[Federal Election Commission Main Page](#)

CERTIFIED MAIL March 11, 1997

RETURN RECEIPT REQUESTED

ADVISORY OPINION 1996-46

Michael Krinsky  
Rabinowitz, Boudin, Standard,  
Krinsky & Lieberman  
740 Broadway at Astor Place  
New York, NY 10003-9518

Dear Mr. Krinsky:

This responds to your letter dated November 1, 1996, as supplemented by your letter dated January 13, 1997, requesting an advisory opinion concerning the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the continuation of a partial reporting exemption for the Socialist Workers Party National Campaign Committee and committees supporting candidates of the Socialist Workers Party ("SWP").

The SWP National Campaign Committee and committees supporting SWP candidates were first granted a partial reporting exemption in a consent decree, dated January 2, 1979, that resolved *Socialist Workers 1974 National Campaign Committee v. Federal Election Commission*, Civil Action No. 74-1338 (D.D.C.). In that case, such committees brought an action for declaratory, injunctive and affirmative relief, alleging that specific disclosure sections of the Act operated to deprive them and their supporters of rights guaranteed by the First Amendment to the Constitution because of the likelihood of harassment resulting from such disclosure. The decree required the committees supporting SWP candidates to maintain records in accordance with the Act and to file reports in a timely manner. It also, however, exempted the committees from the provisions requiring the disclosure of the names, addresses, occupations, and principal places of business of

A-2

contributors to SWP committees; of political committees or candidates supported by SWP committees; of lenders, endorsers or guarantors of loans to the SWP committees; and of persons to whom the SWP committees made expenditures.<sup>1</sup> The decree stated that its provisions would extend to the end of 1984, and set out a procedure for the SWP committees to apply, prior to that date, for a renewal of the exemptions.

On July 24, 1985, the court approved an updated settlement agreement with the same requirements and partial reporting exemption.<sup>2</sup> The court decree extended the exemption until the end of 1988, and again set out a renewal procedure. The SWP missed the deadline for reapplication for the exemption. In lieu of a renewal obtained from the court, the committees, in July 1990, sought a determination from the Commission of entitlement to the partial reporting exemption through the advisory opinion process.

On August 21, 1990, the Commission issued Advisory Opinion 1990-13, which granted the same exemption provided for in the previous consent decrees. The opinion provided that the exemption would last through the next two presidential election cycles, i.e., through December 31, 1996. The SWP committees could seek a renewal of the exemption by submitting an advisory opinion request by November 1, 1996, that would present information as to harassment of the SWP, or persons associated with the SWP, during the 1990-1996 period. Advisory Opinion 1990-13. The Commission received your request for a renewal on that date. You have asked that the exemption period last through the next two presidential election cycles, i.e., until December 31, 2004.

#### I. Applicable Law

The Act requires political committees to file reports with the Commission that identify individuals and other persons who make contributions over \$200, or who come within various other disclosure categories listed above in reference to the consent agreements. 2 U.S.C. 434(b)(3), (5), and (6). See also 2 U.S.C. 431(13). The United States Supreme Court, however, in *Buckley v. Valeo*, 424 U.S. 1 (1976), recognized that, under certain circumstances, the Act's disclosure requirements as applied to a minor party would be unconstitutional because the threat to the exercise of First Amendment rights resulting from disclosure would outweigh the insubstantial interest in disclosure by that entity. 424 U.S. at 71-72. Asserting that "[m]inor parties

A-3

must be allowed sufficient flexibility in the proof of injury to assure a fair consideration of their claim" for a reporting exemption, the Court stated that "[t]he evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or private parties." 424 U.S. at 74. The Court elaborated on this standard, stating:

The proof may include, for example, specific evidence of past or present harassment of members due to their associational ties, or of harassment directed against the organization itself. A pattern of threats or specific manifestations of public hostility may be sufficient. New parties that have no history upon which to draw may be able to offer evidence of reprisals and threats directed against individuals or organizations holding similar views.

424 U.S. at 74.

The Court reaffirmed this standard in *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87 (1982), granting the SWP an exemption from state campaign disclosure requirements. The Court referred to the introduction of proof of specific incidents of private and government hostility toward the SWP and its members within the four years preceding the trial in that case. The Court also referred to the long history of Federal governmental surveillance and disruption of the SWP until at least 1976. 459 U.S. at 99-100. Noting the appellants' challenge to the relevance of evidence of Government harassment "in light of recent efforts to curb official misconduct," the Court concluded that "[n]otwithstanding these efforts, the evidence suggests that hostility toward the SWP is ingrained and likely to continue." 459 U.S. at 101.

The Court in *Brown* also clarified the extent of the exemption recognized in *Buckley*, stating that the exemption included the disclosure of the names of recipients of disbursements as well as the names of contributors. The Court characterized the view that the exemption pertained only to contributors' names as "unduly narrow" and "inconsistent with the rationale for the exemption stated in *Buckley*." 459 U.S. at 95.

The United States Court of Appeals for the Second Circuit used the *Buckley* standard as a basis for exempting

A-4

the campaign committee of the Communist Party presidential and vice presidential candidates from the requirements to disclose the identification of contributors and to maintain records of the name and addresses of contributors. *Federal Election Commission v. Hall-Tyner Election Campaign Committee*, 678 F.2d 416 (2d Cir. 1982), cert. denied, 459 U.S. 1145 (1983). The court described the applicability of the standard, stating:

[W]e note that Buckley did not impose unduly strict or burdensome requirements on the minority group seeking constitutional exemption. A minority party striving to avoid FECA's disclosure provisions does not carry a burden of demonstrating that harassment will certainly follow compelled disclosure of contributors' names. Indeed, when First Amendment rights are at stake and the spectre of significant chill exists, courts have never required such a heavy burden to be carried because 'First Amendment freedoms need breathing space to survive.' (Citations omitted.)

Breathing space is especially important in a historical context of harassment based on political belief. Our examination of the treatment historically accorded persons identified with the Communist Party and a survey of statutes still extant reveal that the disclosure sought would have the effect of restraining the First Amendment rights of supporters of the Committee to an extent unjustified by the minimal governmental interest in obtaining the information.

678 F.2d at 421-422.

Commission agreement to the consent decrees granting the previous exemptions to the SWP committees has been based upon the long history of systematic harassment of the SWP and those associating with it and the continuation of harassment. The Commission has required only a "reasonable probability that the compelled disclosure" would result in "threats, harassment, or reprisals from either Government officials or private parties." *Buckley*, 424 U.S. at 74. In addition, the Commission has agreed to the application of this standard to both contributors and recipients of disbursements.

Advisory Opinion 1990-13 noted that, in agreeing to the granting of the exemption and its renewal, the Commission had considered both "present" and historical harassment.



A-5

The 1979 Stipulation of Settlement refers to the fact that the Commission had been ordered "to develop a full factual record regarding the present nature and extent of harassment of the plaintiffs and their supporters resulting from the disclosure provisions." According to the 1985 Stipulation of Settlement, the renewal was based on evidentiary materials regarding the nature and extent of harassment during the previous five years. As referred to above, Advisory Opinion 1990-13 based its grant on the evidence of harassment since 1985. The very nature of the periodic extensions indicates that, after a number of years, it is necessary to reassess the SWP's situation to see if the reasonable probability of harassment still exists.<sup>3</sup>

## II. Facts Presented

In the request for the exemption granted in Advisory Opinion 1990-13 and in your present request, you have presented facts indicating SWP's status as a minor party since its founding in 1938. Despite running a presidential candidate in every election since 1948 and numerous other candidates for Federal, state, and local offices, no SWP candidate has ever been elected to public office in a partisan election. You have presented data from the 1992 and 1994 elections indicating very low vote totals for SWP presidential and senatorial candidates.

Advisory Opinion 1990-13 discusses the long history of governmental harassment of the SWP. The opinion describes FBI investigative activities lasting from 1941 to 1976 that included the extensive use of informants to gather information on SWP activities and on the personal lives of SWP members, warrantless electronic surveillance, surreptitious entry of SWP offices, other disruptive activity, including attempts to embarrass SWP candidates and to foment strife within the SWP and between the SWP and others, and frequent interviews of employers and landlords of SWP members.<sup>4</sup>

The advisory opinion also referred to statements made by Federal governmental officials in several agencies expressing the need for information about the SWP based on the officials' unfavorable perceptions of the SWP. These statements were made in affidavits submitted during 1987 in connection with *Socialist Workers Party v. Attorney General*, 666 F. Supp. 621 (S.D.N.Y. 1987), in which the court granted an injunction preventing the government from using, releasing, or disclosing information on the SWP unlawfully obtained or developed from unlawfully obtained material,

except in response to a court order or an FOIA request.5

A-6

The opinion also discussed incidents of private and local governmental harassment of the SWP and those associating with it during the period from 1985 through the beginning of 1990. These included private threats and private acts of violence and vandalism, as well as harassment by local police.

As evidence of continuing private and governmental harassment of the SWP and those associated with the SWP during the 1990-1996 period, you have provided descriptions with supporting signed declarations or other documentation as to approximately 70 incidents. Incidents of harassment from private sources included (but were not limited to) acts of vandalism against SWP offices and SWP-related bookstores; threats and acts of violence from persons identifying themselves as members of the Ku Klux Klan; threats and acts of violence by anti-Castro activists; negative actions by, or statements from, employers against persons apparently as a result of those persons' association with the SWP; and abusive behavior toward SWP candidates or other persons publicly associating with the SWP.

Specific examples of the above-described activities area as follows: (1) The windows of SWP headquarters in Detroit, St. Louis, Kansas City, and Chicago were broken, in two cases from thrown objects (a piece of asphalt and a rock). A bullet was fired through the window of the Des Moines headquarters in 1992. A swastika and a "White Power" slogan were spray-painted on the building that housed SWP offices and the Pathfinder bookstore in Birmingham (AL) in 1991. (2) In 1994, the SWP office in Philadelphia (PA) received an abusive letter that was clearly intended to intimidate from a person representing himself as the Grand Dragon of the Pennsylvania KKK (with letterhead stating "The Revolutionary Knights of the Ku Klux Klan," and a mailing address of the state headquarters, as well as a card with the same information). In 1990 and 1991, threatening phone messages were left on the SWP answering machine in Greensboro (NC) by persons identifying themselves as with the KKK. In 1991, two threatening stickers, one purportedly from the KKK, were placed on the entrances of the SWP's Greensboro offices. (3) Anti-Castro activists in Miami overturned SWP informational tables in Miami in 1993 and 1996, and physically assaulted SWP personnel at informational tables in New Jersey in 1995 and 1993. The SWP headquarters in Miami received a number of threatening phone calls in Spanish after radio appearances by SWP

A-7

candidates in 1993.6 (4) In 1995, a woman, who was a politically active socialist and had been an SWP congressional candidate, was denied employment at a mine in Utah. The Employee Relations Director had informed her of his investigation of her socialist political activities, and they appear to have been a disqualifying factor. (5) In several cities, individuals who were known as SWP supporters were subject to insults, written threats, and vandalism, from co-workers, related to their political stances and activities.

Your request includes descriptions and documentation of approximately 20 incidents involving police interactions with SWP workers. Many of these incidents entailed demands by police to remove informational tables or to cease other activities involving petition-signing or the distribution of printed materials in public places. The police would assert that the SWP workers were obstructing pedestrian traffic or acting without a permit or peddler's license. They would sometimes arrest or give citations to the SWP workers. In almost all of those cases, the local prosecutor would drop the charges or the cases would be dismissed. These incidents sometimes appear to involve actions by the police that were apparently motivated by a hostile feeling toward the SWP or the views expressed by the SWP.

Two examples of these cases are as follows: (1) In 1996, three SWP workers who were petitioning for the placement of SWP candidates for president and vice president on the state ballot were taken to the police station by the New York City Parks Department Police and charged with unlawful solicitation and illegal assembly. Their materials, including the petitions, were held by the police for a week and returned after protests by NYCLU and the SWP. The charges were later dismissed in court. (2) According to a 1991 letter from counsel for the New Jersey chapter of the ACLU to the Newark Corporation Counsel, three policemen, two of them mounted, intimidated SWP workers who had set up a literature table outside of local SWP headquarters. The officers blocked access to the table and the book store for over one-half hour and threatened and verbally abused the workers (including comments related to their political views). The workers decided to take down the table.

You present only a few incidents that relate to SWP interaction with governmental officials other than local police. The two most significant events relate to the job status of SWP members: (1) A civilian employee at the Alameda Naval Aviation Depot was investigated by the Office

A-8

of Special Counsel (OSC) for violations of the Hatch Act because he ran for the San Francisco Board of Supervisors in 1992, distributed campaign literature for candidates running in partisan elections, and held positions in the SWP. Although candidates for the Board of Supervisors did not run under party labels, OSC noted that the employee accepted the endorsement and support of the SWP. Even though OSC concluded that violations occurred, it decided not to seek disciplinary action against the employee while noting that subsequent violations would be considered knowing and willful. The employee maintained that he should not have been considered a partisan candidate, that the investigation occurred only after his superiors at Alameda became concerned with the content of his views, and that other employees thought to have violated the Hatch Act were merely warned without a referral to OSC. (2) In 1991, the security clearance of an Air Force enlisted man was suspended, and he was transferred from his job as a computer programmer with the nuclear targeting staff to a job as a clerk at the base housing office. The airman was a member of the SWP's affiliate, the Young Socialist Alliance (YSA). The suspension occurred on the day he returned to work from a YSA convention. A subsequent Air Force letter notified the airman of the opening of a security investigation (to resolve the question of his clearance) based on his involvement in socialist organizations, unreported contact with a foreign national (referring to contact at the convention), and perceived questionable loyalty, honesty, and reliability in his previous workcenter. In reply to this letter, the airman disputed the charge as to the foreign national and noted his favorable reviews by supervisors and his initiative on the job. The airman resigned before the end of the investigation as a result of his inability to obtain a promotion in the field under which he enlisted, which would have required regaining his security clearance.

A review of the information presented by you indicates that the SWP and persons publicly associated with it have experienced a significant amount of harassment from private sources in the 1990-1996 period. Such harassment appears to have been intended to intimidate the SWP and persons associated with it from engaging in their political activities and in expressing their political views. There is also evidence of continuing harassment by local police, similar to incidents discussed in the 1990 opinion.

Based on the evidence presented, the hostility from other governmental sources appears to have abated. As

indicated above, massive Federal governmental surveillance and disruption was discontinued well before 1990. Moreover, you do not present evidence similar to the affidavits filed by Federal officials in 1987, referred to above, indicating negative attitudes toward the SWP and the need to gather information on it. The incidents involving the naval employee and the airman are difficult to assess without complete information, although the airman's situation presents the possibility of a chilling effect on public association with the SWP.

Nevertheless, the continuation of harassment from private and local police sources during the 1990-1996 period, coupled with the long history of harassment of the SWP, is still sufficient evidence that there is a reasonable probability that the compelled public disclosure of previously exempted information will subject the persons in the exempted categories to threats or harassment from various sources. The Commission, therefore, grants the committees supporting the candidates of the SWP the exemption provided for in the consent agreements and in Advisory Opinion 1990-13, with one new condition described below. Consistent with the length of the exemption granted in 1990, this exemption is to last for the reports covering the next six years, i.e., through December 31, 2002.<sup>7</sup> At least sixty days prior to December 31, 2002, the SWP may submit a new advisory opinion request seeking a renewal of the exemption. If a request is submitted, the Commission will consider the factual information then presented as to harassment after 1996, or the lack thereof, and will make a decision at that time as to the renewal.

As in Advisory Opinion 1990-13, the Commission emphasizes that the committees supporting the Federal office candidates of the SWP must still comply with all of the remaining requirements of the Act and Commission regulations. The committees must file reports containing the information required by 2 U.S.C. 434(b) with the exception of the information specifically exempted, and the committees must keep and maintain records as required under 2 U.S.C. 432 with sufficient accuracy so as to be able to provide information, otherwise exempt from disclosure, in connection with a Commission investigation. In addition to complying with the requirements of the decrees, the committees must file all reports required under 2 U.S.C. 434(a) in a timely manner. The committees must also comply with the provisions of the Act governing the organization and registration of political committees. See, e.g., 2 U.S.C. 432 and 433. Adherence to the disclaimer

provisions of 2 U.S.C. 441d is also required. Finally, the committees must comply with the Act's contribution limitations and prohibitions.

2 U.S.C. 441a, 441b, 441c, 441e, 441f, and 441g.

As indicated above, the Commission adds one new condition to the reporting requirements. In partial reporting exemptions granted to an SWP campaign committee and various SWP candidates for state or local office, the agencies administering campaign disclosure in the States of Washington and Iowa have required that the committees assign a code number to each contributor whose name and address is not being disclosed. The Iowa agency required that the committee keep books and records that would correlate the code numbers with the names and contributions. The Commission believes that a requirement of assigning a code number for each contributor and reporting that code number when disclosing a contribution by that person would enable a reviewer of that report (i.e., either the Commission staff or a member of the public) to determine whether contributions in excess of the limits of 2 U.S.C. 441a are being made. At the same time, such a requirement would not diminish the anonymity that is already given to contributors under Advisory Opinion 1990-13 and the consent decrees. Therefore, each committee entitled to the exemption should assign a code number to each individual or entity from whom it receives one or more contributions aggregating in excess of \$200 in a calendar year. That code number must be included in FEC reports filed by each committee in the same manner that full contributor identification would otherwise be disclosed. Consistent with the requirement that the committees comply with the recordkeeping provisions of the Act, the committee's records should correlate each code number with the name and other identification data of the contributor who is represented by that code.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely,

(signed)

John Warren McGarry  
Chairman

Enclosure (AO 1990-13)

A-10

A-11

1 Nevertheless, the agreement also stated that if the Commission found reason to believe that the committees violated a provision of the Act, other than those for which an exemption was specified, but needed the withheld information in order to proceed, the Commission could apply to the court for an order requiring the production of such information.

2 In view of the specific provisions of the 1979 amendments to the disclosure provisions, the agreement also makes reference to an exemption for reporting the identification of persons providing rebates, refunds or other offsets to operating expenditures, and persons providing any dividend, interest or other receipt.

3 In addition, the courts in Brown and Hall-Tyner rendered their decisions with reference to recent or current events or factors, as well as a history of harassment, i.e., recent incidents of harassment against the SWP and extant statutes directed against the Communist Party.

4 As noted in the opinion, these activities were set out in the Final Report of Special Master Judge Breitel in Socialist Workers Party v. Attorney General, 73 Civ. 3160 (TPG) (S.D.N.Y., February 4, 1980) and in Socialist Workers Party v. Attorney General, 642 F. Supp. 1357 (S.D.N.Y. 1986), a case in which the Federal District Court awarded judgment against the United States under the Federal Tort Claims Act for disruption activities, surreptitious entries, and use of informants by the FBI.

5 See Advisory Opinion 1990-13 for a further discussion of the implications of the unfavorable statements.

6 You also provide a declaration from an SWP congressional candidate from Florida who noted that some of her airline co-workers asked that SWP newspapers not be delivered to their homes and that they be hand-delivered at work instead, or that the newspapers be mailed in envelopes.

7 As stated above, you have asked for an exemption period that is similar to the previous period because that period was to last through the next two presidential election cycles. Nevertheless, the more important aspect of this exemption is the actual length of time, and that is why six years, not eight, is being granted. Moreover, in view of the apparent abatement in governmental harassment, a longer time interval between the dates when the Commission reviews its grant of the partial exemption is unwarranted.

Exh. B

6 pages



You are a candidate for the Democratic nomination for the House seat from New York's 22nd Congressional District. Originally, David Hochberg, who was going to run for that seat, had commissioned a survey paid for by his personal funds. He subsequently decided not to run, and you decided to run instead. Mr. Hochberg has offered to assist your campaign as a part-time volunteer, in which capacity he proposes to help to set up interviews with the media and solicit individuals for contributions to your campaign.

The survey results contain information concerning demographics, public opinion, and name recognition of elected officials in the 22nd District that Mr. Hochberg could utilize in his volunteer efforts or disclose to you. You are concerned that "[t]o some extent, information found in the survey could apply to [your] campaign strategy and tactics." Mr. Hochberg received the results of the poll on May 22 but has neither informed you of nor shown you any results.

You state that your campaign has very little money and that it is unlikely that the campaign can pay for the poll until autumn. You ask what effect Mr. Hochberg's access to the survey information has on his involvement as a campaign volunteer. You also ask if the situation presented involves any other issues.

Under the Act and Commission regulations, the term contribution does not include the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee. 2 U.S.C. § 431(B)(3); 11 CFR 100.7(b)(3). The situation presented by you involves volunteer services to your committee by a person who has received poll results that are pertinent to the operations of your campaign.

Commission regulations address the making and acceptance of contributions in the form of poll results. The purchase of opinion poll results by a political committee or other person not authorized by a candidate to make expenditures and the subsequent acceptance of the poll results by a candidate or a candidate's authorized committee or agent is a contribution in-kind by the purchaser to the candidate and an expenditure by the candidate. 11 CFR 105.4(b). Poll results are considered to be accepted by a candidate if the candidate or candidate's authorized political committee or agent (1) requested the poll results before their receipt; (2) uses the poll results; or (3) does not notify the contributor that the results are refused. 11 CFR 105.4(b)(1), (2), and (3).

Mr. Hochberg commissioned this poll for his own potential candidacy and not on behalf of your campaign. Although Mr. Hochberg obviously will have knowledge of the polling information while he pursues his volunteer activities, Mr. Hochberg entered into the transaction with the pollster prior to working for your campaign and not in contemplation of working for your campaign. His receipt of the results was a completion of that transaction, rather than a receipt on behalf of your campaign. In such circumstances, Mr. Hochberg's knowledge of the poll results by itself is not treated as a contribution of the poll and will not preclude his unpaid volunteer services to the campaign.

If, however, Mr. Hochberg imparts poll result information to you or anyone else working for your campaign, including any data or any analysis of the results, or if he uses the poll information to advise your campaign on matters such as campaign strategy or creating media messages, such poll information will constitute an in-kind contribution from Mr. Hochberg to your campaign, and an expenditure in an equal amount by your committee. 11 CFR 105.4(b). See also 11 CFR 104.13(a) and (b). The amount of such a contribution will be determined by calculating the share of the overall cost of the poll allocable to that particular information. Cf. 11 CFR 105.4(e). A determination as to the overall cost of the poll in its entirety will be premised upon the decreasing valuations presented in 11 CFR 105.4(g).<sup>2</sup>

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. § 437f.

Dated: August 3, 1990.

#### [§ 5991] AO 1990-13: Reporting Exemption for Socialist Workers Party

[Because of continuing harassment of members, the Socialist Workers Party and committees supporting the Party are entitled to an exemption from the reporting requirements of the

<sup>1</sup> Mr. Scrub's Statement of Candidacy and the Statement of Organization for Scrub for Congress were received by the Clerk of the House on June 25, 1990. No Statement of Candidacy or Statement of Organization was ever received for Mr. Hochberg.

<sup>2</sup> That subsection provides that the amount of a contribution and expenditure by a candidate or committee receiving

poll results would be 50 percent of the original amount if received during a period 30 to 60 days after the initial receipt, five percent of the original amount during a period 61 to 180 days after the initial receipt, and zero during the period after 180 days.

B-2

Federal Election Campaign Act. Answer to Edward Copeland of Rabinowitz, Bendin, Standard, Krinsky & Lieberman, P.C., 740 Broadway at Astor Place, New York, New York 10003-9618.]

This responds to your letters dated July 2 and July 9, 1990, requesting an advisory opinion on behalf of the Socialist Workers Party National Campaign Committee and committees supporting candidates of the Socialist Workers Party ("the SWP") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to its eligibility for reporting exemptions granted in consent orders issued in *Socialist Workers 1974 National Campaign Committee v. Federal Election Commission*, Civil Action No. 74-1338 (D.D.C.).

In the above-captioned case, committees supporting candidates of the Socialist Workers Party brought an action against the Commission for declaratory, injunctive and affirmative relief, alleging that specific disclosure sections of the Act operate to deprive them and their supporters of rights guaranteed by the First Amendment to the Constitution because of the likelihood of harassment resulting from such disclosure. The case was resolved by a consent decree entered into by the plaintiffs and the Commission on January 2, 1979. This decree required the committees supporting SWP candidates to maintain records in accordance with the Act and to file reports in a timely manner. The agreement also, however, exempted the committees from the provisions requiring the disclosure of the names, addresses, occupations, and principal places of business of contributors to SWP committees; of political committees or candidates supported by SWP committees; of leaders, endorser or generators of loans to the SWP committees; and of persons to whom the SWP committees made expenditures.<sup>1</sup> The decree stated that its provisions would extend to the end of 1984. It also expressly permitted the SWP committees to apply for an extension of the provisions.

On July 24, 1985, the court approved an updated settlement with the same requirements and exemptions<sup>2</sup> and provisions for extension of the reporting exemption. The exemptions were extended until the end of 1988. The SWP missed the deadline for reapplication for the exemption and, instead, is seeking an advisory opinion wherein the Commission determines whether the SWP committees remain entitled to the reporting exemptions.

#### I. The Applicable Law

Although the United States District Court has been the forum for the granting and extension of the reporting exemption to the requester, the Commission can consider a request for the application of an exemption to prospective behavior by the SWP, i.e., the filing of disclosure reports. See 11 CFR 112.1(b). The Commission may not grant a renewal of an exemption that could have been granted by the court. The Commission may, however, consider whether, under the facts presented by the requester, it should grant a new exemption.

The Act requires political committees to file reports with the Commission that identify individuals and other persons who make contributions over \$200, or who come within various other disclosure categories listed above in reference to the consent agreements. 2 U.S.C. § 434(b)(3), (5), and (6). See also 2 U.S.C. § 431(13). The United States Supreme Court, however, in *Buckley v. Valeo* [434 U.S. 1 (1976)], recognized that, under certain circumstances, the Act's disclosure requirements as applied to a minor party would be unconstitutional because the threat to the exercise of First Amendment rights resulting from disclosure would outweigh the insubstantial interest in disclosure by that entity. 424 U.S. at 71. Asserting that "[m]inor parties must be allowed sufficient flexibility in the proof of injury to assure a fair consideration of their claim" for a reporting exemption, the Court stated that "[t]he evidence offered need show only a reasonable probability that the compelled disclosure of a party's contributors' names will subject them to threats, harassment, or reprisals from either Government officials or private parties." 424 U.S. at 74. The Court elaborated on this standard, stating:

The proof may include, for example, specific evidence of past or present harassment of members due to their associational ties, or of harassment directed against the organization itself. A pattern of threats or specific manifestations of public hostility may be sufficient. New parties that have no history upon which to draw may be able to offer evidence of reprisals and threats directed against individuals or organizations holding similar views.

424 U.S. at 74.

<sup>1</sup> Nevertheless, the agreement also stated that if the Commission found reason to believe that the committees violated a provision of the Act, other than those for which an exemption was specified, but needed the withheld information in order to proceed, the Commission could apply to the court for an order requiring the production of such information.

<sup>2</sup> In view of the specific provisions of the SWP amendments to the disclosure provisions, the agreement also makes reference to an exemption for reporting the identification of persons providing rebates, refunds or other offsets to operating expenditures, and persons providing any dividend, interest or other receipt.

B-3

11,634

## Advisory Opinions

187 10-90

The Court reaffirmed this standard in *Brown v. Socialist Workers '74 Campaign Committee* (Ohio), 459 U.S. 87 (1982), granting the SWP an exemption from state campaign disclosure requirements. The Court referred to the introduction of proof of specific incidents of private and government hostility toward the SWP and its members within the four years preceding the trial in that case. The Court also referred to the long history of Federal governmental surveillance and disruption of the SWP until at least 1976. 459 U.S. at 99-100. Noting the appellants' challenge to the relevance of evidence of Government harassment "in light of recent efforts to curb official misconduct," the Court concluded that "[n]otwithstanding these efforts, the evidence suggests that hostility toward the SWP is ingrained and likely to continue." 459 U.S. at 101.

The Court in *Brown* also clarified the extent of the exemption recognized in *Buckley*, stating that the exemption included the disclosure of the names of recipients of disbursements as well as the names of contributors. The Court characterized the view that the exemption pertained only to contributors' names as "unduly narrow" and "inconsistent with the rationale for the exemption stated in *Buckley*." 459 U.S. at 95.

The United States Court of Appeals for the Second Circuit used the *Buckley* standard as a basis for exempting the campaign committee of the Communist Party presidential and vice-presidential candidates from the requirements to disclose the identification of contributors and to maintain records of the name and addresses of contributors. *Federal Election Commission v. Hall-Tyner Election Campaign Committee*, 678 F.2d 416 (2d Cir. 1982) [T 9174], cert. denied [T 9185], 459 U.S. 1145 (1983). The court described the applicability of the standard, stating:

[W]e note that *Buckley* did not impose unduly strict or burdensome requirements on the minority group seeking constitutional exemption. A minority party striving to avoid FECA's disclosure provisions does not carry a burden of demonstrating that harassment will certainly follow compelled disclosure of contributors' names. Indeed, when First Amendment rights are at stake and the spectre of significant chill exists, courts have never required such a heavy burden to be carried because 'First Amendment freedoms need breathing space to survive.' (Citations omitted.) Breathing space is especially important in a historical context of harassment based on political belief. Our examination of the treatment historically accorded persons identified with the Communist Party and a survey of statutes still extant reveal that the disclosure sought would have the effect of restraining the First Amendment rights of supporters of the Committee to an extent unjustified by the minimal governmental interest in obtaining the information.

678 F.2d at 421-422.

Commission agreement to the consent decrees granting the previous exemptions to the SWP committees has been based upon the long history of systematic harassment of the SWP and those associating with it and the continuation of such harassment. The Commission has required only a "reasonable probability that the compelled disclosure" would result in "threats, harassment, or reprisals from either Government officials or private parties." *Buckley*, 424 U.S. at 74. In addition, the Commission has agreed to the application of this standard to both contributors and recipients of disbursements.

In agreeing to the granting of the exemption and its renewal, the Commission has considered both "present" and historical harassment. The 1979 Stipulation of Settlement refers to the fact that the Commission was ordered "to develop a full factual record regarding the present nature and extent of harassment of the plaintiffs and their supporters resulting from the disclosure provisions." According to the 1985 Stipulation of Settlement, the renewal was based on evidentiary materials regarding the nature and extent of harassment during the previous five years. The very nature of the periodic extensions indicates that, after a number of years, it is necessary to reassess the SWP's situation to see if the reasonable probability of resultant harassment still exists. In addition, the courts in *Brown* and *Hall-Tyner* rendered their decisions with reference to recent or current events or factors, as well as a history of harassment, i.e., recent incidents of harassment against the SWP and extant provisions of laws directed against the Communist Party.

### II The Facts Presented

You have presented facts indicating SWP's status as a minor party since its founding in 1938. Despite running a presidential candidate in every election since 1948 and numerous other candidates for Federal, state, and local offices, no SWP candidate has ever been elected to public office in a partisan election.

You describe the long history of FBI and other governmental harassment of the SWP set out in *Socialist Workers Party v. Attorney General*, 642 F. Supp. 1357 (S.D.N.Y. 1986), a case in which the

B-4

Federal District Court awarded judgment against the United States under the Federal Tort Claims Act for disruption activities, surreptitious entries, and use of informants by the FBI.

Beginning in 1941, the FBI began a generalized investigation of the SWP that was to last at least until 1976. With respect to informants, you enclose the report of the Special Master who was appointed to review the FBI's substantial informant files in connection with the ongoing litigation leading up to the above-described decision. Final Report of Special Master Judge Breitel in *Socialist Workers Party v. Attorney General*, 73 Civ. 3160 (TFG) (S.D.N.Y., February 4, 1980).<sup>2</sup> Between the years 1960 and 1976, the FBI employed approximately 1300 informants who reported on the activities, discussions and debates of the SWP. In addition to reporting on what the Special Master described, with some qualifications, as "peaceful, lawful political activity" by the SWP and its adjunct, the Young Socialist Alliance ("YSA"), the informants also provided information as to the names, addresses, places and changes of employment of SWP members, and such personal data as information on "marital or cohabitational status, marital strife, health, travel plans, and personal habits." 642 F. Supp. at 1379-1381.

In the 1960's and 1970's, the SWP was the subject of FBI Counterintelligence Programs "designed to disrupt the SWP on a broad national basis." 642 F. Supp. at 1384. The disruption under these programs included attempts to embarrass SWP candidates, foment racial strife within the SWP, and cause strife between the SWP and others in a variety of political movements. 642 F. Supp. at 1385-1389. For a number of years, the FBI also conducted warrantless electronic surveillance of the SWP on an extensive basis and at least 204 surreptitious entries of SWP offices, principally to photograph or remove documents. The court noted that "there is no indication that the FBI obtained any documents showing any violence or any action to overthrow the Government." 642 F. Supp. at 1394.

Over a period of many years, the FBI maintained a list known successively as the Custodial Detention List, the Security Index, and the Administrative Index. The persons on this list were to be considered for apprehension and detention in time of war or national emergency. The FBI intended to include all SWP members on this list. The list was maintained by frequent interviews of landlords and employers of the members. 642 F. Supp. at 1395. The SWP was also included on the Attorney General's list of subversive, communist, or fascist organizations whose members, under the Employee Loyalty Program, would be subject to a full field investigation if applying for or holding any civilian Federal governmental position. 642 F. Supp. at 1396-1400.

You maintain that there is still Federal governmental hostility toward the SWP. You refer to *Socialist Workers Party v. Attorney General*, 666 F. Supp. 621 (S.D.N.Y. 1987), in which the court granted an injunction preventing the government from using, releasing, or disclosing information on the SWP unlawfully obtained or developed from unlawfully obtained material except in response to a court order or an FOIA request. You have enclosed affidavits submitted during 1987 in connection with this case by officials of the Office of Personnel Management, the State Department, the Immigration and Naturalization Service, and the Defense Investigative Service expressing the need for the information on the SWP based on certain unfavorable perceptions of the SWP. The OPIM official stated that the information was important because the SWP and YSA "in the past were opposed to our form of Government and the national interest." The representative of the State Department characterized the SWP as a "hostile organization which has consistently posed a threat to free governments."

The court in this 1987 decision, and in the companion 1986 decision (at 642 F. Supp.), concluded the propriety of the type of inquiry proposed by the government officials, wherein SWP membership would not be dispositive but might be a reasonable basis for questioning the person as to whether he or she should be entrusted with sensitive data pertaining to national security. 666 F. Supp. at 623; 642 F. Supp. at 1427-1428. However, the court in the companion 1986 decision warned that "where information about the SWP or YSA is considered relevant, there must be a rigorous regard for the facts about these organizations" and "[a]ny indication that the SWP or YSA has a current program of carrying out violent revolution or acts of violence or terrorism would not reflect the presently known facts." 642 F. Supp. at 1428. The court in that case referred a number of times to the generally peaceful and lawful nature of SWP's activities, if not its ideology. 642 F. Supp. at 1370-75, 1380, 1426. The statements in the affidavits were made even after the court had made these assessments of SWP's activities.

Your request makes reference to a number of incidents over the past five years indicating primarily private harassment of the SWP and those associating with it.

<sup>2</sup> The Special Master's Report was also used as a basis for information in the U.S. District Court in the *Brown* case and information from the report was cited by the Supreme

Court which affirmed the lower court decision. *Brown*, 459 U.S. at 99.

B-5

11,636

### Advisory Opinions

MSF 10-90

You enclose an article published in the *Midlands Business Journal* of April 21-27, 1989, promoting a security firm's services in labor disputes and urging companies to screen their employees. According to the article, the firm has compiled "an extensive data base and information index on violent domestic organizations and communist and Marxist groups." The firm referred to its work during the Hormel strike, stating that the local union was "absolutely infiltrated" by the SWP and that, following the strike, the firm started compiling names and photographs of "agitators." The firm claimed that, in another case involving product sabotage, it checked its index and found several names of persons "involved" with the SWP.

You also make reference to a series of incidents involving threats or violence against the SWP and SWP offices. These include: (1) threatening phone calls in February 1990 to the local office of the SWP in New York City (located on the same premises as the Pathfinder bookstore) the night before a public forum on Cuba was to be held at SWP offices; (2) threatening phone calls in January 1990 to a Pathfinder bookstore where the local SWP headquarters in Kansas City are located, followed by a rock through the store window, after a meeting on Panama sponsored by the SWP newsweekly, *The Militant*, was held on the premises; (3) bricks thrown through the windows of the SWP office in Omaha in March 1989; (4) a demonstration in San Jose in April 1985 outside an SWP-sponsored conference on Vietnam during which demonstrators attempted to intimidate people from attending; and (5) a shot fired through the window of a socialist bookstore and campaign headquarters of an SWP mayoral candidate in Atlanta in May 1985.

You also make reference to local government harassment of persons distributing SWP campaign literature. In April, 1986, an SWP gubernatorial candidate in West Virginia was ordered to remove his literature table in a public park by an officer who, according to the affidavit of the candidate, stated words to the effect of, "I don't like what you have on your table and I order you to take it down." You give two examples, one in 1987 in Masonstown, Pennsylvania, and one in 1986 in Newark, New Jersey, of persons distributing and selling SWP literature who were arrested and convicted for violating public order ordinances. On appeal, these convictions were overturned on First Amendment grounds.

You submit a number of documents pertaining to threats, harassment, and violence during the past 10 years in Miami against individuals associated with left-wing views, including the 1983 fire-bombing of the Militant Book Store, which served as a local SWP office. You state that the incidents set forth in these exhibits were submitted to the court in *McArthur v. Smith*, 716 F. Supp. 592 (S.D.Fla. 1989), in which the court decided that certain Florida campaign disclosure laws were unconstitutional as applied to the SWP in Miami's nonpartisan mayoral race. In that case, although the State of Florida contested the probability of threats by government officials, "[t]he parties mutually conclude[d] ... that no material issue of fact exists regarding the danger in Miami of publicly associating with the SWP." 716 F. Supp. at 593.

Based on the foregoing information, it appears that, during the past five years, the SWP has continued to experience harassment from several sources. The recent events cited, along with the history of governmental harassment, indicate that there is a reasonable probability that compelled disclosure of the names, addresses, occupations, and names of employers of these categories of persons listed in the 1979 and 1985 consent agreements will subject them to threats, harassment, or reprisals from governmental or private sources. The Commission, therefore, grants the committees supporting the candidates of the SWP the exemption provided for in the consent agreements. Consistent with the length of the exemption granted in the original 1979 court decree, this exemption is to last through the next two presidential year election cycles, i.e., until December 31, 1996. At least sixty days prior to December 31, 1996, the SWP may submit a new advisory opinion request seeking a renewal of the exemption. If a request is submitted, the Commission will consider the factual information then presented as to harassment after 1989, or the lack thereof, and will make a decision at that time as to the renewal.

The Commission emphasizes that the committees supporting the Federal office candidates of the SWP must still comply with all of the remaining requirements of the Act and Commission regulations. As provided for in the consent agreements, the committees must file reports containing the information required by 2 U.S.C. § 434(b) with the exception of the information specifically exempted, and the committees must keep and maintain records as required under 2 U.S.C. § 432 with sufficient accuracy to be able to provide information, otherwise exempt from disclosure, in connection with a Commission investigation. In addition to complying with the requirements of the decrees, the committees must file all reports required under 2 U.S.C. § 434(a) in a timely manner. The committees must comply with the provision of the Act governing the organization and registration of political committees. See, e.g., 2 U.S.C. §§ 432 and 433. Adherence to the disclaimer provisions of 2 U.S.C.

§441d is also required. Finally, the committee must comply with the Act's contribution limitations and prohibitions. 2 U.S.C. §§441a, 441b, 441c, 441e, 441f, and 441g.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

Dated: August 21, 1990.

### [15992] AO 1990-15: Termination of Committee

[A campaign committee may apply to be terminated if its only outstanding debt cannot be paid or settled. Answer to Kenneth B. Kramer, 1400 S. Joyce Street—C108, Arlington, Virginia 22202-1812.]

This refers to your letter dated July 11, 1990, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the administrative termination of "Ken Kramer '86" which was your principal campaign committee in the 1986 election cycle for the United States Senate in Colorado.

Your letter states that Ken Kramer '86 ("the Committee") has been reporting since 1985 when you began your 1986 Senate campaign but that you are not currently a candidate for any elective office. You also state that the Committee has resolved "all creditor issues" except one disputed debt involving Kenneth D. Bailey, doing business as Direct Marketing Resources ("DMR"). Your position is that no debt is owed to DMR or Mr. Bailey. In an attempt to settle DMR's asserted claim of \$24,304 and without admitting any liability, you tendered a Committee check in the amount of \$2,000 in February 1989.

Your proposed settlement was apparently rejected by Mr. Bailey who, by letter from his counsel dated June 21, 1989, did offer to settle his claim against the Committee for \$17,939. This letter also references a civil complaint that counsel for Bailey and DMR proposed to file in King County Superior Court, Washington, in the event you declined to accept his settlement. You responded by letter dated July 18, 1989, to Chuck Bailey (Ken Bailey's father and business associate) stating that you hoped "we can still settle this matter on a reasonable basis." This letter further explained that Ken Bailey's proposed settlement of about "\$18,000 is just not in the ballpark."

Your request includes copies of ten letters concerning this disputed debt from or on behalf of Mr. Bailey, and from you to Mr. Bailey, beginning in December 1986. Nine of the letters are dated in 1988 and 1989. Several letters make reference to telephone conversations and personal meetings involving you, your campaign staff, and both of the Baileys in the same time period. Taken together they indicate a fairly protracted effort of exchanging information and explanations to ascertain the relevant facts regarding the campaign services provided by Bailey and DMR and their debt claim against the Committee.

Committee reports filed with the Commission indicate that this disputed debt claim by DMR is the only unsettled obligation of the Committee. The 1989 year end report also discloses that the Committee had receipts of \$2,375 and disbursements of \$3,154 in 1989. As of December 31, 1989, the Committee reported \$8,401 of cash on hand. For the first six months of 1990, the Committee reports \$270 in receipts, \$630 in disbursements, and cash on hand of \$8,043 on June 30, 1990.

You explain that the Committee's continued filing with the Commission imposes "significant difficulties on a defunct Committee" and that "as long as the Committee remains open, it is also necessary for it to pay federal income tax and file a return with the Internal Revenue Service." You ask whether the Act and Commission regulations permit the Commission to administratively terminate the Committee's reporting obligations in view of the circumstances presented in your request and summarized above. You also ask what effect, if any, the running of the Colorado statute of limitations has upon the administrative termination of the Committee.

Several provisions of the Act and Commission regulations are relevant to your questions. First, the amount of outstanding debts and obligations owed by a political committee must be continuously reported until extinguished by either payment in full, or by lawful settlement subject to review by the Commission. 2 U.S.C. §434(b); 11 CFR 104.3(d), 104.11, 114.10. Furthermore, a political committee may terminate its reporting status only upon filing a termination report or statement indicating that it will no longer receive any contributions or make any disbursement, and that it has no outstanding debts or obligations. 2 U.S.C. §433(d)(1); 11 CFR 102.3.

The Act also recognizes that the Commission has authority to terminate the reporting status of a political committee by administrative decision even if it still has unpaid debts and obligations. 2 U.S.C.

Exh. C

4 pages

I, Margaret Trowe, submit the following list of election results for Socialist Workers candidates for public office since 1996, in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I was the Socialist Workers candidate for vice president of the United States in 2000. I prepared the list.

Since January 1, 1996, the Socialist Workers candidates have won no elections.

I declare under penalty of perjury that the foregoing is true and correct.

Executed October 9, 2002.



Margaret Trowe

October 9, 2002



## Socialist Workers Campaign Election Results 1996-2000

### **Socialist Workers Presidential Ticket**

1996: James Harris for president

Laura Garza for vice-president

-- on ballot in 8 states

-- 8,476 votes in those states

2000: James Harris for president

Margaret Trowe for vice-president

-- on ballot in 14 states

-- 10,644 votes in those states

### **Socialist Workers Candidates for U.S. Senate**

1996

<b>Candidate</b>	<b>State</b>	<b>Vote total</b>
Shirley Peña	Iowa	1,844
Thomas Fiske	Minnesota	1,554
Olga Rodriguez	New Jersey	14,319
In addition to the above three states where Socialist Workers candidates were on the ballot, there were also write-in campaigns in Alabama, Georgia, Illinois, Massachusetts, Michigan, Texas, and Washington, D.C., and West Virginia. No vote totals are available for these write-in candidates.		

1998

<b>Candidate</b>	<b>State</b>	<b>Vote total</b>
Margaret Trowe	Iowa	2,542
Rose Ana Berbeo	New York	3,513
Nan Bailey	Washington	3,709
In addition to the above three states where Socialist Workers candidates were on the ballot, there were also write-in campaigns in Alabama, California, Georgia, Illinois, Ohio, and Pennsylvania. No vote totals are available for these write-in candidates.		

2000

Candidate	State	Vote total
Rebecca Ellis	Minnesota	13,781
Nancy Rosenstock	New Jersey	3,219
Jacob Perasso	New York	4,103
In addition to the above three states where Socialist Workers candidates were on the ballot, there were also write-in campaigns in California, Florida, Massachusetts, Michigan, Missouri, Ohio, Pennsylvania, and Texas. No vote totals are available for these write-in candidates.		

**Socialist Workers Candidates for U.S. House of Representatives**

1996

Candidate	State	Vote total
Richard McBride	Iowa	700
Willie Reid	Michigan	717
Jennifer Benton	Minnesota	4,284
William Estrada	New Jersey	720
Toni Jackson	New Jersey	656
Stefanie Trice	New Jersey	641
Robert Robertson	New Jersey	696
Eleanor Garcia	New York	1,283
Jerry Freiwirth	Texas	270
John Langford	Utah	270
Sam Manuel	Washington, DC	1,146
In addition to the above eight states where Socialist Workers candidates were on the ballot, there were also write-in campaigns in Alabama, California, Florida, Georgia, Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania, Texas, and Washington. No vote totals are available for these write-in candidates.		

1998

Candidate	State	Vote total
Andrea Morell	Massachusetts	4,854
Holly Harkness	Michigan	808
Heather Wood	Minnesota	2,264
Michael Pennock	Minnesota	2,842
José Aravena	New Jersey	318
Susan Anmuth	New Jersey	752
Maurice Williams	New Jersey	2,279
Dorothy Kolis	Pennsylvania	1,625
Nancy Cole	Pennsylvania	964
Lea Sherman	Texas	2,013
Mary Martin	Washington, DC	1,087
Jeff Powers	Washington	4,921

In addition to the above eight states where Socialist Workers candidates were on the ballot, there were also write-in campaigns in Alabama, California, Georgia, Michigan, Ohio, and Texas. No vote totals are available for these write-in candidates.

2000

Candidate	State	Vote total
Edwin Fruit	Iowa	612
Maurice Williams	New Jersey	448
Kari Sachs	New Jersey	156
Paul Pederson	New York	1,271
Sam Manuel	Washington, DC	1,419

In addition to the above four states where Socialist Workers candidates were on the ballot, there were also write-in campaigns in Alabama, California, Georgia, Illinois, Massachusetts, New York, Pennsylvania, and Texas. No vote totals are available for these write-in candidates.

Exh. D  
1 page

Declaration

I, Greg McCartan, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I was the treasurer of the Socialist Workers National Campaign Committee in 2000.
2. I requested each local committee supporting federal candidates for office report to me the number of contributors to the committee and the total number of contributors of \$300 or more, a randomly low dollar amount.
3. There were a total of 17 campaign committees in the United States supporting a candidate for federal office.
4. A total of 354 people contributed funds to these committees.
5. There was one contribution of over \$300 to any of these committees.

Executed on December 23, 2000

Greg McCartan

Greg McCartan

Exh. E

1 page

E

**DECLARATION**

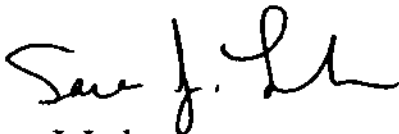
I, Sara J. Lobman, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

In late September, Paul Pederson, Socialist Workers Party candidate for Congress, 12th CD, sold a copy of the campaign newspaper, *The Militant*, to the man who brings the lunch truck to the factory where I work (St. James Gourmet at 105 Bicuty Road in Farmingdale, New York.) after telling him about the campaign.

Yesterday, on October 2, 2002, at approximately 8:15 a.m., I went out to the lunch truck to ask the driver whether he had liked the paper. Before I could even ask, he told me how much he had enjoyed it because it had a perspective you didn't get in other papers or on the TV news. He said he wanted to buy a copy every week from me. I told him that after this week I would no longer be working in the plant and suggested he take advantage of the special \$10 introductory subscription offer; that it would be a good way to follow Paul's campaign and the other coverage in the paper. He told me "The money is no problem, but I don't want to get it through the mail. I don't want to get on government lists. I remember the 1960s."

I declare under the penalty of perjury that the foregoing is true and correct.  
Executed on October 3, 2002.



Sara J. Lobman  
October, 3, 2002

Exh. F

4 pages





RECEIVED

SEP 01 1998

STATE OF WASHINGTON

ZIONTZ, CHESTNUT, VARNELL,  
BERLEY & SLONIM

# PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 403, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112

## BEFORE THE PUBLIC DISCLOSURE COMMISSION OF THE STATE OF WASHINGTON

F-1

IN THE MATTER OF THE APPLICATION OF )  
THE SOCIALIST WORKERS 1998 STATE )  
CAMPAIGN FOR A REPORTING )  
MODIFICATION )

PDC NO. 2197  
Findings, Conclusions  
and Order

### I.

This matter came on for hearing before the Public Disclosure Commission on the application of the Socialist Workers 1998 State Campaign for a modification of the reporting requirements of RCW 42.17.065(2) (a) and (b); .065(5); .067(6); .080(4); and .090. Consideration of the request was made pursuant to RCW 42.17.370(9) and chapter 390-28 WAC by the entire Commission. The proceedings were held in the John A. Cherberg Building, Senate Hearing Room #2, Capitol Campus, Olympia, Washington on August 25, 1998. Richard Berley, representing the Socialist Workers 1998 State Campaign, was present and addressed the Commission. Scott Breen, the Socialist Workers 1998 State Campaign's only candidate for state or local office, also addressed the Commission.

### II.

Based on the testimony offered at the hearing, the Commission made the following

### FINDINGS OF FACT

1. The Socialist Workers 1998 State Campaign is the election campaign committee of the one candidate for state or local office of the Socialist Workers Party. The Party's one candidate for state or local office in 1998 is Scott Breen, a candidate for State Senate in the 37th Legislative District. The Socialist Workers Party is a political party which receives funds and makes contributions to Washington state candidates and committees. The Party sponsors candidates in state and local elections, as well as in federal elections, and has done so for many years. Thus far, no Socialist Workers Party candidate has been elected to public office in Washington state.

*"The public's right to know of the financing of political campaigns and lobbying  
and the financial affairs of elected officials and candidates far outweighs  
any right that these matters remain secret and private."*

RCW 42.17.010 (10)

F-2

**Socialist Workers 1998 State Campaign**

**Page 2**

2. There is a long history of harassment, disruptive efforts by individuals and government agencies, government surveillance, and threats against individuals identified with the Socialist Workers Party nationwide. The Socialist Workers Party is outspoken in its defense of the rights of Blacks and other minorities, desegregation, affirmative action and similar, often controversial issues. As a result, candidates and party supporters have been subject to racial threats and potential victimization.
3. On several occasions in the past Socialist Workers Party campaigns and candidates have been either exempted from or granted modification of campaign reporting provisions of state and federal law because of the hardships met by the Party if required to disclose campaign contributors' or vendors' names. The Socialist Workers Party has not reported this information in the past in Washington state.
4. The Socialist Workers Party has run candidates in Washington state for federal, state and local office since 1978. No candidate has won election thus far.
5. There are instances where business owners fear they will become the target of reprisals if it is known they do business with the Party or its candidates.
6. Disclosure of the names and addresses of persons who contribute could have a chilling effect on the Party's ability to solicit and collect campaign funds.
7. Disclosure of the names and addresses of vendors who supply goods and services could have a chilling effect on the Party's ability to purchase necessary campaign materials and services.
8. Disclosure of the occupation of any coded contributors, or the employers of such contributors, could have a chilling effect on the Party's ability to solicit and collect campaign funds.
9. Making the books and records of the Party available for public inspection during the eight days prior to any election could have a chilling effect on the Party's ability to solicit and collect campaign funds, and on the Party's ability to purchase necessary campaign materials and services.

III.

Having made these Findings of Fact, the Commission makes the following

CONCLUSIONS OF LAW

1. Literal compliance with all the provisions of the statute and the rules would work a manifestly unreasonable hardship on the applicant.
2. Limited suspension or modification of the reporting requirements of RCW 42.17 as specified in the Order would not frustrate the purposes of the Act in this particular case.

IV.

Having made these Findings of Fact and Conclusions of Law, the Commission issues the following

ORDER

1. The applicant may establish a separate candidate committee for its one candidate (Scott Breen, Candidate for State Senate, 37th Legislative District) and report the activity of that candidate committee only. The applicant shall not be required to report the activity of the Socialist Workers Party as a whole because none of this money will be given to other campaigns, whether to another candidate or a ballot measure. The candidate's committee, known as the "*Socialist Workers 1998 State Campaign*", will adhere to all laws applicable to candidate committees. Contributions coming from any one source shall not exceed \$575 per election. Should the Socialist Workers 1998 State Campaign field additional candidates, its campaign finance reports shall designate for whom its contributions were received, and for whom its expenditures were made. If multiple legislative candidates are supported, contributions received shall not exceed \$575 from one source for any one candidate, and expenditures made on behalf of any one candidate shall not exceed the amount received for that candidate.
2. The applicant may satisfy the requirements to report the names and addresses of contributors and persons to whom expenditures are made by assigning a code number to each such person and reporting that code together with the amounts contributed or paid as an expenditure. The applicant shall identify each coded contributor as being either an individual or a non-individual. The applicant shall be required to obtain, but not disclose, the occupation of individual contributors who give an aggregate of \$100 or more, and the name and address of the individual's employer, as required by WAC 390-16-034.

F-4

**Socialist Workers 1998 State Campaign**

**Page 4**

3. The applicant shall make available its public disclosure reports for public inspection during the eight days before the election, but not its books of account; except that, if the PDC determines a review of the applicant's books of account is necessary, the records shall be made available to an independent third party mutually agreed to by the applicant and the PDC.
4. This modification shall be in effect through December 31, 1998.
5. In all other matters required to be reported, the applicant shall comply in full with the reporting requirements of Chapter 42.17 RCW.

DATED this 27<sup>th</sup> day of August, 1998.

FOR THE PUBLIC DISCLOSURE COMMISSION



Melissa Warheit, Executive Director

MODIFSWP98.DOC

... ..  
... ..  
... ..

... ..

... ..

... ..

Exh. G

2 pages

G

G-1

1 **BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION**

2 In the Matter of the Application )  
3 of THE SOCIALIST WORKERS' 1997 CAMPAIGN ) **DECISION**  
4 for a Reporting Modification )

5 This matter came before the Seattle Ethics and Elections Commission pursuant to SMC  
6 2.04.320 on Wednesday, August 6, 1997 and was continued to Wednesday, September 10, 1997,  
7 in 221 Municipal Building, 600 Fourth Avenue, Seattle, Washington.

8 **INTRODUCTION**

9 The Socialist Workers' 1997 Campaign is a political committee that is raising campaign  
10 contributions and giving them to two candidates for City office, one for Mayor and one for City  
11 Council. The Seattle Elections Code, Seattle Municipal Code 2.04.160 through .290, requires  
12 public disclosure of the finances of political committees and candidates involved in City office  
13 campaigns, including the disclosure of the name and address of each contributor of more than  
14 twenty-five dollars and each person to whom more than fifty dollars was paid. In addition, the  
15 Code requires each campaign to make its books of account available for public inspection for two  
16 consecutive hours during the six business days before each election. The Socialist Workers'  
17 1997 Campaign has been filing reports with the City Clerk for the political committee and for the  
18 Mayoral and City Council candidates, but in those reports has not revealed the identities or any  
19 other information about contributors or vendors.

20 Jeff Powers, representative of The Socialist Workers' 1997 Campaign, filed with the  
21 Commission a letter requesting modification of reporting by The Socialist Workers' 1997  
22 Campaign for the committee and for the candidates. He asked that all reports submitted by The  
23 Socialist Workers' 1997 Campaign not be required to show the names and addresses of  
24 contributors to their campaigns and the vendors to whom the campaigns made expenditures. He  
25 further requested that original books and records of the campaigns not be available for public  
26 inspection. The Commission received his written request with two prior orders and four written  
27 exhibits of statements by persons claiming harassment. The Commission scheduled a hearing for  
28 August 6, 1997. No one appeared at the hearing to testify. After considering the submitted  
materials, the Commission continued the hearing to September 10, 1997 to allow a representative  
from the Campaign another opportunity to appear before the Commission. No additional  
documents were submitted. At the September 10, 1997 hearing, the Commission heard from Jeff  
Powers and from Socialist Workers' 1997 Campaign Mayoral candidate Scott Breen and Socialist  
Workers' 1997 Campaign City Council candidate Robbie Scherr, and the Commission reviewed  
the documents that had been submitted by Jeff Powers, representative of The Socialist Workers'  
1997 Campaign. Based on the statements made at the hearing and documents and discussion in  
the record, the Commission enters the following order.

24 **DECISION**

25 Despite an opportunity on August 6 to present evidence and another opportunity on  
26 September 10 to present evidence and to make oral argument, The Socialist Workers' 1997  
27 Campaign failed to produce evidence sufficient to demonstrate a reasonable probability that the  
28 compelled disclosure of contributors to and vendors of The Socialist Workers' 1997 Campaign will

1 subject the contributors and vendors to threats, harassment, or reprisals from either government  
 2 officials or private parties and failed to produce evidence sufficient to demonstrate that there is a  
 3 reasonable probability that advocacy of the Socialist Workers' 1997 Campaign views will be  
 4 hindered and the right of free association will be chilled by such compelled disclosure.

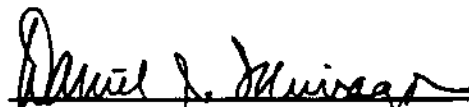
5 The recent incidents of alleged harassment in Washington state pointed to by the Socialist  
 6 Workers' 1997 Campaign do not indicate that a special exemption is needed to protect  
 7 associational or expressive rights for those who espouse the views of the Campaign. The  
 8 evidence presented did not demonstrate that in this region there is a reasonable probability of  
 9 chilling the expression of the views of the Socialist Workers' 1997 Campaign with respect to  
 10 abortion rights or union support. A large segment of the local population openly and routinely  
 11 expresses views on these issues that parallel those of the Socialist Workers' 1997 Campaign.  
 12 There is not sufficient evidence the Socialist Workers' 1997 Campaign has experienced or will  
 13 experience any threats or harassment different than that experienced by others who express  
 14 similar views. Neither the other expressed views of the Socialist Workers' 1997 Campaign (such  
 15 as support for the Cuban revolution) nor membership in the Socialist Workers' Party were  
 16 convincingly alleged to have resulted in serious threats or reprisals in any recent, geographically  
 17 meaningful incidents. For example, Meg Novak complained her private employer was hostile to  
 18 her efforts to attend an International Youth Festival in Cuba as part of her 1995 Socialist Workers'  
 19 Party campaign effort. But the granting of leaves of absence to Ms. Novak's factory co-workers,  
 20 and eventually to Ms. Novak herself, for this purpose is more suggestive of a lack of harassment  
 21 than of its presence.

22 The Socialist Workers' 1997 Campaign has not shown a reasonable probability that its  
 23 potential campaign contributors for the Seattle City Council and Mayor races are significantly  
 24 deterred from contributing by the possibility of public disclosure of their identities. Nor is there  
 25 evidence that local vendors have insisted on anonymity before they will do business with the  
 26 Socialist Workers' 1997 Campaign.

27 The request for modification is DENIED. The Socialist Workers' 1997 Campaign is subject  
 28 to all disclosure requirements of the Seattle Elections Code, SMC 2.04.

Dated this 22nd day of September, 1997.

FOR THE SEATTLE ETHICS AND ELECTIONS COMMISSION



Daniel J. Ichinaga, Chair, Seattle Ethics and Elections Commission

The Commission members voting to take this action were:

Daniel Ichinaga, Chair  
 Marc A. Boman  
 Timothy Burgess  
 Sharon K. Gang  
 John A. Loftus

Voting against this action was:  
 Rosselle Pekelis

Exh. H

2 pages



Statement by Geoff Mirelowitz

I, Geoff Mirelowitz, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

Within a few days of the September 1997 decision of the Seattle Ethics and Elections Commission, denying the Socialist Workers campaign exemption from disclosing the names of its contributors, I was staffing the Pathfinder Bookstore at 1405 E. Madison in Seattle. The Socialist Workers campaign shared office space at the same location.

In the late afternoon or early evening an individual walked in. He was looking for the Socialist Workers campaign. He explained he had just learned of the SEEC decision. He was quite concerned because, he explained, he had mailed a financial contribution to the Socialist Workers campaign, immediately prior to the decision, or immediately prior to his learning of it. He wanted to know if his check had been received.

I explained I did not know the answer to his question. He expressed his hope that the check had not yet been deposited. He indicated he was considering asking the campaign to return the check to him.

While we were talking, Jeff Powers, the Socialist Workers campaign treasurer, arrived at the bookstore. He and I both continued talking with this individual who expressed his understanding that if his check had been for \$99 rather than the \$100 he had written it for, the campaign might not have to disclose his name under the disclosure laws. Powers explained that according to the law, any contribution over \$25 required disclosing the full name of the contributor. Powers further explained that, according to his understanding, a \$100 contribution would also require disclosing the contributor's place of employment. The individual visiting the offices expressed great concern that any information could be required, in particular his place of employment.

To the best of my recollection Powers informed this individual that his check had not yet arrived in the mail. Powers assured him that the Socialist Workers campaign had no intention of disclosing the names of financial contributors and was taking legal and political steps to try to reverse the SEEC decision.

This seemed to reassure this individual. I understood that he planned to consider the matter further, including the possibility that he might reduce the size of his contribution. I believe he may have asked Powers to let him know when his check arrived in the mail.

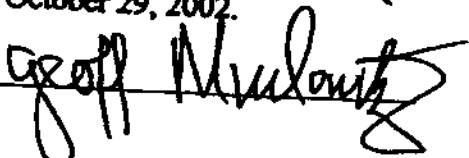
H-2

I am not sure of the precise date of this incident but can verify it by looking at the bookstore's records which are not available to me at this time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed October 29, 2002.

Signed:

A handwritten signature in cursive script, appearing to read "Geoff Mirelowitz", written over a horizontal line.

Geoff Mirelowitz  
October 29, 2002  
Seattle, Washington

10-11-1960

1. The following information was obtained from the file of the  
Federal Bureau of Investigation, New York Office, dated 10-11-1960.  
The file contains a letterhead memorandum dated 10-11-1960, from  
the New York Office to the New York Office, dated 10-11-1960.

Exh. I

1. The following information was obtained from the file of the

1. The following information was obtained from the file of the

1 page

Statement attesting that fear of reprisals will influence financial contributions to the SWP election campaigns.

On Friday, September 19, 1997, I attended a meeting of the Militant Labor Forum. The forum is a weekly free-speech meeting held at the Pathfinder Bookstore. The topic under discussion that night was a talk by Socialist Workers 1997 Campaign treasurer Jeff Powers on the Seattle Ethics and Elections Commission's decision to deny the SWP's request for an exemption from financial disclosure laws.

Following the discussion, a long-time supporter of the party's election campaigns told me that he was happy to hear that the campaign committee had not turned over the names of contributors. He explicitly said that if such disclosures were going to be made in the future he and his wife would certainly think twice about contributing as they have done in the past. He mentioned being especially concerned about potential victimization of his wife who works at Boeing.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.



Robbie Scherr

9/30/97

Exh. J

1 page


Declaration

I, Margaret Trowe, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I was the Socialist Workers candidate for U.S. vice president in 2000.
2. At numerous times during the campaign people who were interested in the campaign declined to disclose their name or address, either on nominating petitions being circulated to attain ballot status or by subscribing to the *Militant* or *Perspectiva Mundial* newspapers, stating they feared being placed on a federal or FBI list.
3. It is not uncommon in my experience on the job that coworkers will declined to disclose their name or address, either on nominating petitions being circulated to attain ballot status or by subscribing to the *Militant* or *Perspectiva Mundial* newspapers, stating they feared being placed on a federal or FBI list.

Executed on December 23, 2000



Margaret Trowe

Exh. K

1 page

K

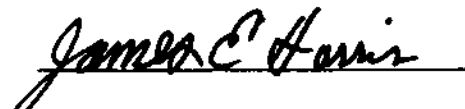
Declaration

I, James Harris, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I was the Socialist Workers candidate for U.S. president in 2000.
2. At numerous times during the campaign people who were interested in the campaign declined to disclose their name or address, either on nominating petitions being circulated to attain ballot status or by subscribing to the *Militant* or *Perspectiva Mundial* newspapers, stating they feared being placed on a federal or FBI list.
3. It is not uncommon in my experience on the job that coworkers will declined to disclose their name or address, either on nominating petitions being circulated to attain ballot status or by subscribing to the *Militant* or *Perspectiva Mundial* newspapers, stating they feared being placed on a federal or FBI list.

Executed on December 23, 2000

  
James Harris



...the ... of ...  
...the ... of ...  
...the ... of ...  
...the ... of ...  
...the ... of ...

Exh. L

1 page

L

# **DECLARATION**

I, Edwin B. Fruit, make this declaration in support of the application to the Federal Elections Commission, an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge:

1. I am currently the Socialist Workers candidate for U.S. Representative in the 3rd District of the state of Iowa.
2. On September 22 a campaign supporter and myself had a campaign table outside a food store in Des Moines.
3. Along with getting out information on my campaign we were encouraging people to subscribe to our campaign newspapers, The Militant and Perspectiva Mundial. One person came by the table and said, "If I subscribe, will I be put on an FBI list?" He declined to subscribe.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on September 30, 2002.

*Edwin B. Fruit*

s/ Edwin B. Fruit

9/30/2002

Exh. M

1 page

M

m - 1

# DECLARATION

I, Edwin B. Fruit, make this declaration in support of the application to the Federal Elections Commission as an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. I am currently the Socialist Workers candidate for U.S. Representative in the 3rd District in Iowa.
2. I am working at an IBP plant in Perry, Iowa and am informing co-workers of my campaign as well as asking them to subscribe to my campaign newspapers, The Militant and Perspectiva Mundial.
3. On September 26, one of my coworkers, who is from another country said he did not want to subscribe because this might bring him trouble with the police or other government agencies.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on September 30, 2002

*Edwin B. Fruit*  
s/ Edwin B. Fruit  
9/30/2002

Exh. N

2 pages

N

I, Argyrios Malapanis, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. I am a member of the National Committee of the Socialist Workers Party. I frequently sell subscriptions to the *Militant*, the newsweekly that supports Socialist Workers Party candidates, and its sister publication in Spanish *Perspectiva Mundial*, on my job, through setting up literature tables on campuses or in the streets of Miami, where I reside, or visiting people door-to-door in working-class communities.
2. Over the last year, I have met an increasing number of people -- at least a dozen -- during these activities who purchased single copies of the *Militant* or *Perspectiva Mundial*, said they had read these publications before and liked them, but would not subscribe because they were afraid of government harassment if their name got on such a mailing list. I cite three such examples below.
3. On May 24, 2002, a coworker of mine at a meatcutting plant and food distribution center where I worked, located in Hollywood, Florida, told me after purchasing several issues of the *Militant* from me on the job that he liked the newsweekly very much. This coworker also said he decided not to get the paper mailed to him at home because he "does not want to get on a list that the government could use against" him. Being an immigrant from Jamaica, this coworker said he knows of others who have "gotten in trouble with the government" for similar things.
4. On the afternoon of June 7, 2002, I was selling subscriptions to the *Militant* through a literature table in front of the Pathfinder Bookstore at 8365 NE 2nd Ave. in Miami. A medical doctor of Haitian origin who stopped by said he was glad to see the *Militant* again, he had purchased copies before. When I asked him if he would like to buy a subscription, he responded that he would love to do that but he does not want his name "on the list." We finally agreed that I would personally deliver the paper to his house for the duration of the 12-week subscription, which

he agreed to buy as long as his name and address was not turned over to the paper's mailing list.

5. On the afternoon of September 25, 2002, I was selling subscriptions to the *Militant* through a literature table on a public sidewalk across the street from the Wolfson campus of the Miami Dade Community College (MDCC) on the corner of NE 2nd Ave. and NE 4th St. near downtown Miami. A student who had purchased the paper from me several times in the past, said he had thought about previous offers but decided against buying a subscription because he was scared to get on any mailing list that "the government may scrutinize."

I declare under penalty of perjury that the foregoing is true and correct.  
Executed October 9, 2002.



Argyrios Malapanis  
October 9, 2002

ENCLOSURE

The enclosed is a copy of the report of the  
investigation conducted by the  
Department of the Interior, Bureau of  
Land Management, on the subject of  
the proposed road through the  
National Monument.

Very truly yours,

Director, Bureau of Land Management,  
Department of the Interior, Washington, D. C.

Exh. 1

1 page



## DECLARATION

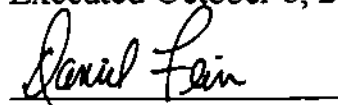
I, Daniel Fein, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On Sunday afternoon, September 29, 2002, I along with other supporters of the Socialist Workers Party candidate for governor of New York, Martin Koppel were physically threatened by a man as we staffed a literature table at New York is Book Country book fair. The book fair took place on 5th Avenue in Manhattan between 48th St. and 53rd St. Our table was on 5th Ave. near 48th St. We were distributing campaign literature and selling the *Militant* newspaper, which reflects the views of the Socialist Workers Party. Books and pamphlets outlining the positions of the Socialist Workers party were also on the table. The man screamed, "I'll kick your a\_\_\_, and don't think I can't," and said that he hated communism, and that we don't have a right to distribute this "f\_\_\_ing sh\_t." The same man had threatened a similar table weeks previously on 8th Avenue at 39th St.

2. In February 2002, two other Socialist Workers Party members and myself set up a literature table with books and pamphlets and newspapers reflecting the views of the Socialist workers party. We were on a wide sidewalk in Jackson Heights, Queens. Within 10 minutes, three New York City police officers approached us and told us to leave. They said the reason was that the owner of a nearby store objected to the content of the literature.

Executed October 8, 2002

  
Daniel Fein

Exh. 2

1 page

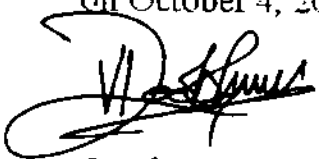
## DECLARATION

I, Ved Dookhun, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. On the morning of September 25, 2002, I, the Socialist Workers candidate for U.S. Senate in New Jersey, and a campaign supporter were campaigning in front of the Jade Apparel factory in the Ironbound neighborhood of Newark, N.J. We were handing out campaign statements, as well as distributing the campaign newspapers, *The Militant* and *Perspectiva Mundial*. At about 6:50 a.m., a man describing himself as the owner of the factory came out and ripped a campaign leaflet out of a worker's hands.
2. He then went over to one of the campaign supporters, uttering a number of obscenities and saying we had to "get the fuck off his property." He threatened to "fuck us up" if we did not move off the block. He proceeded to continuously shove myself and the other campaign supporter.
3. Wanting to avoid an escalation of the incident, we moved away from the plant.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 4, 2002



October 4, 2002

Exh. 3

1 page

### DECLARATION

I, Deborah Liatos, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

After campaigning for the Socialist Workers California 2002 campaign on 24th and Mission St. on Sept. 14, 2002, in San Francisco, we returned to the campaign headquarters and found a phone message. The words that could be understood were "Hey you cocksucker....war with Iraq. Bye"

The campaign table had two signs in English and in Spanish saying, "Oppose the US war in Iraq. Support Workers Rights. Socialist Workers Campaign." We were distributing campaign statements for the Socialist Workers 2002 campaign in California--Nan Bailey for Governor, Bill Kalman for Lt. Governor, Olympia Newton for Secretary of State, and Deborah Liatos for US Congress in the 8th Congressional District. Also on the table was the *Militant* newspaper and various books and pamphlets.

I declare under penalty of perjury that the foregoing is true and correct. Executed on Oct. 2, 2002.

*Deborah Liatos*  
s/Deborah Liatos

October 2, 2002



## Declaration


I, Nelson Gonzalez, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Election Campaigns Act.

I make this statement on the basis of my personal knowledge:

1. Myself, Nelson Gonzalez, and four other supporters of the 2002 Socialist Workers Campaign running Lisa Rottach for Governor of Nebraska set up a literature table near the Our Lady of Guadalupe Festival on 23 Street and P Street in Omaha, NE on September 14, 2002.
2. We were handing out literature supporting our gubernatorial campaign. We were also selling the *Militant* newspaper, which support the Rottach campaign, as well as books and pamphlets on socialism. In addition, we were handing out a flyer inviting people to a public forum opposing the U.S. war against Iraq.
3. As our candidate began to address the crowd from a soapbox, a middle-aged woman began to try to shout her down in English, saying that "the good Mexican people don't want to hear what we have to say. They support the U.S. government." She also threatened that if we didn't leave she would come back with some of her friends and take care of us. She kept this up for about ten minutes then went away when passersby both in English and in Spanish told her to quiet down.

I declare that under penalty of perjury that the foregoing is true and correct.

Executed on September 28, 2002

  
s/Nelson Gonzalez  
September 28, 2002

[illegible]

Exh. 5

17 pages



## DECLARATION

I, Sam Manuel, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. I am the nominee of the Socialist Workers Party for Mayor of the District of Columbia in the General Election to be held November 5, 2002.
2. Over the months of July and August, 2002 supporters of the Socialist Workers campaign organized volunteers to petition the public to place the Party's nominee on the November 5 ballot.
3. Around 5:00PM, Tuesday August 13 I met with campaign workers at the campaign headquarters and discovered that the offices had been broken into. Plywood and wallboard which had been used to close up a window in the bathroom had been shoved in. Upon going outside I discovered that the outside plywood covering had also been pried loose. A number of maintenance tools and money kept in a box for refreshments were taken along with some office supplies.
4. I reported the break-in to a member of the Metropolitan Washington Police Department. A report was filed by Officer Jackson. The file number for the report is 121242.



s/Sam Manuel  
September 28, 2002

**Break-In Incident Example 2****DECLARATION**

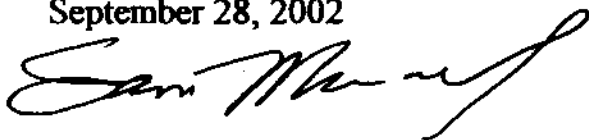
I, Sam Manuel, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. I am the nominee of the Socialist Workers Party for Mayor of the District of Columbia in the General Election to be held November 5, 2002.
2. Over the months of July and August, 2002 supporters of the Socialist Workers campaign organized volunteers to petition the public to place the Party's nominee on the November 5 ballot.
3. Around 5:30PM on Wednesday, August 14, I discovered that the campaign headquarters had been broken into. The intruders entered by busting through window in the bathroom which had been sealed up with plywood and wallboard. A break-in had occurred on the previous day through the same location.

s/Sam Manuel

September 28, 2002



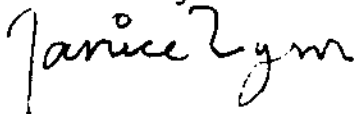
**DECLARATION**

I, Janice Lynn, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the SWP, the SWP's National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. I am the Chairperson of the Socialist Workers 2002 Mayoral Campaign.
2. Over the months of July and August, 2002 supporters of the Socialist Workers campaign organized volunteers to petition the public to place the Party's nominee on the November 5 ballot.
3. On Saturday, August 17 a large number of supporters attended an orientation session before going out to petition the public to place the Party's mayoral nominee on the ballot.
4. After doing some petitioning at a nearby supermarket I returned to the campaign office around 1:30PM to make preparations to process the petitions collected that day. I discovered that the campaign offices had been broken into. This was the third break-in that week. The intruders busted through a closet wall in an abandoned upstairs office which lead to an access way above our office. They had rifled through the bags and briefcases of campaign supporters.
5. The incident was reported to a member of the Metropolitan Washington Police Department. A report was filed by Officer Watson. The file number for the report is 123454.

s/Janice Lynn





Metropolitan Police  
Department

# Incident-Based Event Reports

Washington, D.C.

PART I - CLASSIFICATION OF EVENT		DATE AND TIME OF EVENT				DATE OF REPORT				TIME OF REPORT				DISTRICT		BEAT		COMPLAINT NUMBER																		
1 TYPE OF REPORT	2	Start Date		Start Time		End Date		End Time		Month		Day		Year		Hour		Minute		Month		Day		Year		Hour		Minute		District		Beat		Complaint Number		
<input checked="" type="radio"/> Offense <input type="radio"/> Incident		Month	Day	Year	Hour	Minute	Month	Day	Year	Hour	Minute	Month	Day	Year	Hour	Minute	Month	Day	Year	Hour	Minute	Month	Day	Year	Hour	Minute	Month	Day	Year	Hour	Minute	Month	Day	Year	Hour	Minute
FILL IN THE OVALS COMPLETELY																																				
Right Mark <input checked="" type="radio"/>																																				
Wrong Marks <input type="radio"/>																																				
9 EVENT LOCATION ADDRESS 3437 14th St. NW Washington, DC 20010																																				
10 REPORT RECEIVED BY TRM On-scene Walk-in Radio run																																				
11 IS RADIO RUN LOCATION AND EVENT THE SAME? Yes No																																				
12 PROPERTY TYPE Public Private																																				
13 EVENT NO. 1 Burglary II (0502)																																				
14 EVENT NO. 2																																				
15 EVENT NO. 3																																				
16 FORCED ENTRY Yes No																																				
17 POINT OF ENTRY Rear Window																																				
18 a. Method Used Open window																																				
19 b. Tools Used Unknown																																				
20 SUSPECTED HATE CRIME? None Ethnic Sexual Orientation Racial Religious Other																																				
21 SECURITY SYSTEM (Mark all that apply) Alarm/Audio Alarm/Silent Camera Dead bolt Dog Unlocked Exterior lights Interior lights Fence Guard Neighborhood watch Other Not applicable Unknown																																				
22 LOCATION TYPE (Mark only one) Air/Bus/Train terminal Alley Bank/Savings & loan Bus stop Church/Synagogue/Temple College/University Commercial office building Construction site Convenience store Department/Discount store D.C. government building Doctor's office/Hospital Drug store Federal/Government bldg. Field/Woods Grocery/Supermarket Hotel/Motel/Etc. Jail/Prison Lake/Waterway Liquor store Park area Parking lot/Parking garage Public housing project Public/Private school Rental storage facility Residence/Home Restaurant Service station Sidewalk Specialty store Street/Highway/Road Tavern/Night club Other Not applicable Unknown																																				
23 DESIGNATED AREAS (Mark all that apply) Victim's vehicle Suspect's vehicle Taxi-cab Bus Train/Metro/Amtrak/Etc. Hallway Elevator Stairwell Basement/Laundry room Apartment/Condo unit Single family dwelling Hotel/Motel room College/University dorm Classroom Office room Vacant building/room Customer area Storage area In public housing W/in 1 block of public housing W/in 1,000 ft. of school Other Not applicable Unknown																																				
PART II - VICTIM INFORMATION																																				
24 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 1 Pathfinder Bookstore																																				
25 RELATED TO EVENT NO(S) 1 2 3 4 5 6 7 8 9 10																																				
26 VICTIM TYPE Individual Business Financial inst. Government Religious org. Society/Public Police officer Other																																				
27 DATE OF BIRTH Month Day Year																																				
28 AGE RANGE 0-1 yr. 2-12 yrs. 13-17 yrs. 18-65 yrs. Over 65																																				
29 SEX Male Female Unknown																																				
30 HOME PHONE (202) 587 1570																																				
31 BUSINESS PHONE																																				
32 RACE/ETHNICITY (Mark all that apply) American Indian/Alaskan Native Asian/Pacific Islander Black Chinese Latino/Hispanic Jamaican Japanese Korean Vietnamese White Other Unknown/Refused																																				
33 HOME ADDRESS DC Resident Non-DC Resident Unknown																																				
34 BUSINESS ADDRESS/SCHOOL 3437 14th St. NW Washington, DC 20010																																				
35 OCCUPATION																																				
36 IS EVENT RELATED TO OCCUPATION? Yes No Unknown																																				
37 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 1																																				
38 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 2																																				
39 RELATED TO EVENT NO(S) 1 2 3 4 5 6 7 8 9 10																																				
40 VICTIM TYPE Individual Business Financial inst. Government Religious org. Society/Public Police officer Other																																				
41 DATE OF BIRTH Month Day Year																																				
42 AGE RANGE 0-1 yr. 2-12 yrs. 13-17 yrs. 18-65 yrs. Over 65																																				
43 SEX Male Female Unknown																																				
44 HOME PHONE																																				
45 BUSINESS PHONE																																				
46 RACE/ETHNICITY (Mark all that apply) American Indian/Alaskan Native Asian/Pacific Islander Black Chinese Latino/Hispanic Jamaican Japanese Korean Vietnamese White Other Unknown/Refused																																				
47 HOME ADDRESS DC Resident Non-DC Resident Unknown																																				
48 BUSINESS ADDRESS/SCHOOL																																				
49 OCCUPATION																																				
50 IS EVENT RELATED TO OCCUPATION? Yes No Unknown																																				
51 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 2																																				
52 STATUS (Mark one) Open Closed Closed by arrest attach PD-252 Unprovided Suspended																																				
53 REVIEWER																																				
54 DISTRIBUTION CID-1																																				

5-5

NAME: Mandel, Sam William Phone Area Code: 202 387 1590  
ADDRESS: 521 Peabody St. NW WDC 20011

56 DID THE REPORTED EVENT OCCUR AS A RESULT OF AN INTRA-FAMILY MATTER?  
☐ Yes ☒ No

56A WAS PD FORM 378A ISSUED?  
☐ Yes ☒ No

57 IS CPO/TPO OUTSTANDING?  
☐ Yes ☒ No ☐ Unknown

IF YES, ENTER CPO/TPO #:

INJURIES Use the following codes to describe injuries. (Mark all that apply)  
N = None Visible  
M = Apparent Minor Injury  
B = Apparent Broken Bones  
O = Other Major Injury  
I = Possible Internal Injury  
G = Gunshot  
L = Severe Laceration  
T = Loss of Teeth  
U = Unconscious

INJURED	NUMBER	INJURY CODE	DESCRIBE INJURY	WHERE TAKEN	BY WHOM	DCFD AMB.	DCFD AMB. #	STATUS
<input type="radio"/> Victim	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5				<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Admitted <input type="radio"/> Released
<input type="radio"/> Suspect	<input type="radio"/> 6 <input type="radio"/> 7 <input type="radio"/> 8 <input type="radio"/> 9	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5				<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Admitted <input type="radio"/> Released
<input type="radio"/> Victim	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5				<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Admitted <input type="radio"/> Released
<input type="radio"/> Suspect	<input type="radio"/> 6 <input type="radio"/> 7 <input type="radio"/> 8 <input type="radio"/> 9	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5				<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Admitted <input type="radio"/> Released
<input type="radio"/> Victim	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5				<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Admitted <input type="radio"/> Released
<input type="radio"/> Suspect	<input type="radio"/> 6 <input type="radio"/> 7 <input type="radio"/> 8 <input type="radio"/> 9	<input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 <input type="radio"/> 4 <input type="radio"/> 5				<input type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Admitted <input type="radio"/> Released

PART III - PROPERTY

59 Codes S = Stolen I = Impounded L = Lost  
E = Evidence V = Vehicle from which P = Suspected proceeds of crime  
R = Recovered theft occurred O = Other  
F = Found D = Alleged drug type

a. Property Book & Page No. b. Location of Property Book

Code	Description of Item(s)	Serial Number/ Operation ID No.	Model No.	Color	Size	Quantity	Comp. Value	Age	MPDC Value
S	Laptop Computer (Sony Vao)		FXA35	Grey	15"	1	\$1,700	6 mo	1200
S	Cell Phone	Unknown →		Silver	3"	1	\$150	6 mo	100
S	US Currency (4 "20, 1 "10)			Green	6"	5 (Bills)	\$90	—	90
S	Pentax 35mm Camera	Unknown →		Black	4"	1	\$350	8 mo	200
O	Wall	n/a	n/a	White		1			
							TOTAL VALUE		\$1590

60 VEHICLE INFORMATION Vehicle operated/used by: ☐ Victim ☐ Suspect ☐ Victim's vehicle taken by suspect

Code	Year	Make	Model	Color	Body	Tag No./State/Year	VIN

PART IV - SUSPECT/MISSING PERSON INFORMATION (Use narrative if additional space is needed.)

61 #1

a. Race ☐ Asian ☐ White ☒ Unknown ☐ Black ☐ Latino/Hispanic ☐ Other

b. Sex ☐ Male ☒ Unknown ☐ Female

c. Exact Age or Range Unknown

d. Height Unknown

e. Weight Unknown

f. Eyes Unknown

g. Hair Unknown

h. Complexion Unknown

i. Scars

j. Mustache

k. Facial Hair

l. Hat

m. Coat/Jacket

n. Pants

o. Blouse/Shirt

p. Perpetrator Suspected of Using ☐ Alcohol ☐ Drugs ☒ Computer ☐ N/A

q. Weapons Used in Offense (Mark all that apply)

Firearm ☐ Handgun ☐ Shotgun ☐ Other ☐ Revolver ☐ Semi-automatic ☐ Rifle ☐ Automatic

Other ☐ Cutting instrument ☐ Hands/Feet/Teeth ☐ Other (specify) ☐ Blunt object ☐ None ☐ Motor vehicle ☐ Unknown

Color Make Model Caliber

62 #2

a. Race ☐ Asian ☐ White ☒ Unknown ☐ Black ☐ Latino/Hispanic ☐ Other

b. Sex ☐ Male ☒ Unknown ☐ Female

c. Exact Age or Range

d. Height

e. Weight

f. Eyes

g. Hair

h. Complexion

i. Scars

j. Mustache

k. Facial Hair

l. Hat

m. Coat/Jacket

n. Pants

o. Blouse/Shirt

p. Perpetrator Suspected of Using ☐ Alcohol ☐ Drugs ☐ Computer ☐ N/A

q. Weapons Used in Offense (Mark all that apply)

Firearm ☐ Handgun ☐ Shotgun ☐ Other ☐ Revolver ☐ Semi-automatic ☐ Rifle ☐ Automatic

Other ☐ Cutting instrument ☐ Hands/Feet/Teeth ☐ Other (specify) ☐ Blunt object ☐ None ☐ Motor vehicle ☐ Unknown

Color Make Model Caliber

63 #3

a. Race ☐ Asian ☐ White ☒ Unknown ☐ Black ☐ Latino/Hispanic ☐ Other

b. Sex ☐ Male ☒ Unknown ☐ Female

c. Exact Age or Range

d. Height

e. Weight

f. Eyes

g. Hair

h. Complexion

i. Scars

j. Mustache

k. Facial Hair

l. Hat

m. Coat/Jacket

n. Pants

o. Blouse/Shirt

p. Perpetrator Suspected of Using ☐ Alcohol ☐ Drugs ☐ Computer ☐ N/A

q. Weapons Used in Offense (Mark all that apply)

Firearm ☐ Handgun ☐ Shotgun ☐ Other ☐ Revolver ☐ Semi-automatic ☐ Rifle ☐ Automatic

Other ☐ Cutting instrument ☐ Hands/Feet/Teeth ☐ Other (specify) ☐ Blunt object ☐ None ☐ Motor vehicle ☐ Unknown

Color Make Model Caliber

\*Value of vehicles to be entered by Information Processing section

CCN 123454

64 PROBABLE CAUSE OF ABSENCE AND DESTINATION		65 NAME OF COMPLAINANT (NOTED SIGNATURE)		66 COMPLAINT NUMBER	
67 IF MISSING PERSON HAS RUN AWAY BEFORE, GIVE DATE AND WHERE LOCATED:		68 CLASSIFICATION		69 CLASSIFIED BY:	
DATE OF 68		AGE		DATE	
<input type="radio"/> Critical <input type="radio"/> Non-critical					
70 PHYSICAL/MENTAL CONDITION (i.e., diabetic)		71 DESCRIBE ARTICLES OF JEWELRY WORN AND IDENTIFICATION CARRIED		72 NAME OF PARENT/GUARDIAN	
73 ADDRESS OF PARENT/GUARDIAN		74 IF JUVENILE, ENTER MOTHER'S MAIDEN NAME		75 MISSING PERSON SECTION NOTIFIED (Name)	

**75** **NARRATIVE** Describe event and action taken. If additional narrative space is needed, use PD Form 251-A.

Item Number Continued	
22	Bookstore / Campaign Office
59	Damaged property / wall (hole)
	R-1 reports that the listed location was entered by unknown person(s) by climbing in an open window in the rear of the location, and breaking a hole in a drywall. Taken were the listed items. Crime scene search was notified.
	Notifications: Crime Scene Search - Cowington / 4653 Detective - Epps / 4032

76 EVIDENCE TECHNICIAN/CSES #										77 NAME OF INVESTIGATOR NOTIFIED										78 TELETYPE NOTIFIED (Name)										79 TELETYPE #																																							
Covington/HCS3										4032/Epps																				NOTIFICATION ALSO REQUIRED WHENEVER MISSING PERSON LOCATED																																							
80 REPORTING OFFICER'S SIGNATURE										ELEMENT										81 OTHER POLICE AGENCY										82 SECOND OFFICER'S NAME										ELEMENT										83 SIGNATURE OF SUPERVISOR										ELEMENT									
<i>[Signature]</i>										40										(Indicate if report prepared by officer other than MPD)																				<i>[Signature]</i>										41																			
BADGE NUMBER																														BADGE NUMBER																				BADGE NUMBER																			
<input checked="" type="radio"/> 1 <input checked="" type="radio"/> 2 <input checked="" type="radio"/> 3 <input checked="" type="radio"/> 4 <input checked="" type="radio"/> 5 <input checked="" type="radio"/> 6 <input checked="" type="radio"/> 7 <input checked="" type="radio"/> 8 <input checked="" type="radio"/> 9 <input checked="" type="radio"/> 10 <input checked="" type="radio"/> 11 <input checked="" type="radio"/> 12 <input type="radio"/> Other																				<input type="radio"/> USCP <input type="radio"/> USSS <input type="radio"/> METRO TRANSIT <input type="radio"/> OTHER										<input checked="" type="radio"/> 1 <input checked="" type="radio"/> 2 <input checked="" type="radio"/> 3 <input checked="" type="radio"/> 4 <input checked="" type="radio"/> 5 <input checked="" type="radio"/> 6 <input checked="" type="radio"/> 7 <input checked="" type="radio"/> 8 <input checked="" type="radio"/> 9 <input checked="" type="radio"/> 10 <input checked="" type="radio"/> 11 <input checked="" type="radio"/> 12 <input type="radio"/> Other										<input checked="" type="radio"/> 1 <input checked="" type="radio"/> 2 <input checked="" type="radio"/> 3 <input checked="" type="radio"/> 4 <input checked="" type="radio"/> 5 <input checked="" type="radio"/> 6 <input checked="" type="radio"/> 7 <input checked="" type="radio"/> 8 <input checked="" type="radio"/> 9 <input checked="" type="radio"/> 10 <input checked="" type="radio"/> 11 <input checked="" type="radio"/> 12 <input type="radio"/> Other																													

U.S. Form 251-C for additional victims or suspects			
<b>84 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 3</b> _____ _____ _____		<b>85 RELATED TO EVENT NO.</b> ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )	
<b>VICTIM TYPE</b> <input type="checkbox"/> Individual <input type="checkbox"/> Financial inst. <input type="checkbox"/> Religious org. <input type="checkbox"/> Police officer <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Society/Public <input type="checkbox"/> Other			
<b>86 DATE OF BIRTH</b> ( ) ( ) ( ) ( ) ( ) ( ) Month Day Year		<b>88 AGE RANGE</b> <input type="checkbox"/> 0-1 yr. <input type="checkbox"/> 2-12 yrs. <input type="checkbox"/> 13-17 yrs. <input type="checkbox"/> 18-65 yrs. <input type="checkbox"/> Over 65	
<b>89 SEX</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown		<b>90 HOME PHONE</b> ( ) ( ) ( ) ( ) ( ) ( )	
<b>91 BUSINESS PHONE</b> ( ) ( ) ( ) ( ) ( ) ( )		<b>92 RACE/ETHNICITY (Mark all that apply)</b> <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Japanese <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Korean <input type="checkbox"/> Black <input type="checkbox"/> Vietnamese <input type="checkbox"/> Chinese <input type="checkbox"/> White <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other <input type="checkbox"/> Jamaican <input type="checkbox"/> Unknown/Refused	
<b>93 HOME ADDRESS</b> <input type="checkbox"/> DC Resident <input type="checkbox"/> Non-DC Resident <input type="checkbox"/> Unknown _____ _____ _____			
<b>94 BUSINESS ADDRESS/SCHOOL</b> _____ _____ _____			
<b>95 OCCUPATION</b> _____ _____		<b>96 IS EVENT RELATED TO OCCUPATION?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
<b>97 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 3</b> _____ _____			

U.S. Form 251-C for additional victims or suspects			
<b>84 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 4</b> _____ _____ _____		<b>85 RELATED TO EVENT NO.</b> ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )	
<b>VICTIM TYPE</b> <input type="checkbox"/> Individual <input type="checkbox"/> Financial inst. <input type="checkbox"/> Religious org. <input type="checkbox"/> Police officer <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Society/Public <input type="checkbox"/> Other			
<b>101 DATE OF BIRTH</b> ( ) ( ) ( ) ( ) ( ) ( ) Month Day Year		<b>102 AGE RANGE</b> <input type="checkbox"/> 0-1 yr. <input type="checkbox"/> 2-12 yrs. <input type="checkbox"/> 13-17 yrs. <input type="checkbox"/> 18-65 yrs. <input type="checkbox"/> Over 65	
<b>103 SEX</b> <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown		<b>104 HOME PHONE</b> ( ) ( ) ( ) ( ) ( ) ( )	
<b>105 BUSINESS PHONE</b> ( ) ( ) ( ) ( ) ( ) ( )		<b>106 RACE/ETHNICITY (Mark all that apply)</b> <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Japanese <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Korean <input type="checkbox"/> Black <input type="checkbox"/> Vietnamese <input type="checkbox"/> Chinese <input type="checkbox"/> White <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other <input type="checkbox"/> Jamaican <input type="checkbox"/> Unknown/Refused	
<b>107 HOME ADDRESS</b> <input type="checkbox"/> DC Resident <input type="checkbox"/> Non-DC Resident <input type="checkbox"/> Unknown _____ _____ _____			
<b>108 BUSINESS ADDRESS/SCHOOL</b> _____ _____ _____			
<b>109 OCCUPATION</b> _____ _____		<b>110 IS EVENT RELATED TO OCCUPATION?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
<b>111 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 4</b> _____ _____			

#4		a. Race		b. Sex		c. Exact Age or Range		d. Height		e. Weight		f. Eyes		g. Hair	
<input type="checkbox"/> Suspect <input type="checkbox"/> Missing		<input type="checkbox"/> Asian <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Unknown <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other		<input type="checkbox"/> Male <input type="checkbox"/> Unknown <input type="checkbox"/> Female											
h. Complexion		i. Scars		j. Mustache		k. Facial Hair		l. Hat		m. Coat/Jacket		n. Pants		o. Blouse/Shirt	
														p. Perpetrator Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer <input type="checkbox"/> N/A	
q. Weapons Used in Offense (Mark all that apply)															
Firearm <input type="checkbox"/> Handgun <input type="checkbox"/> Shotgun <input type="checkbox"/> Other <input type="checkbox"/> Revolver <input type="checkbox"/> Semi-automatic <input type="checkbox"/> Rifle <input type="checkbox"/> Automatic				Other <input type="checkbox"/> Cutting instrument <input type="checkbox"/> Hands/Feet/Teeth <input type="checkbox"/> Other (specify) <input type="checkbox"/> Blunt object <input type="checkbox"/> None <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Unknown				Color		Make		Model		Caliber	
#5		a. Race		b. Sex		c. Exact Age or Range		d. Height		e. Weight		f. Eyes		g. Hair	
<input type="checkbox"/> Suspect <input type="checkbox"/> Missing		<input type="checkbox"/> Asian <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Unknown <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other		<input type="checkbox"/> Male <input type="checkbox"/> Unknown <input type="checkbox"/> Female											
h. Complexion		i. Scars		j. Mustache		k. Facial Hair		l. Hat		m. Coat/Jacket		n. Pants		o. Blouse/Shirt	
														p. Perpetrator Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer <input type="checkbox"/> N/A	
q. Weapons Used in Offense (Mark all that apply)															
Firearm <input type="checkbox"/> Handgun <input type="checkbox"/> Shotgun <input type="checkbox"/> Other <input type="checkbox"/> Revolver <input type="checkbox"/> Semi-automatic <input type="checkbox"/> Rifle <input type="checkbox"/> Automatic				Other <input type="checkbox"/> Cutting instrument <input type="checkbox"/> Hands/Feet/Teeth <input type="checkbox"/> Other (specify) <input type="checkbox"/> Blunt object <input type="checkbox"/> None <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Unknown				Color		Make		Model		Caliber	
#6		a. Race		b. Sex		c. Exact Age or Range		d. Height		e. Weight		f. Eyes		g. Hair	
<input type="checkbox"/> Suspect <input type="checkbox"/> Missing		<input type="checkbox"/> Asian <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Unknown <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other		<input type="checkbox"/> Male <input type="checkbox"/> Unknown <input type="checkbox"/> Female											
h. Complexion		i. Scars		j. Mustache		k. Facial Hair		l. Hat		m. Coat/Jacket		n. Pants		o. Blouse/Shirt	
														p. Perpetrator Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computer <input type="checkbox"/> N/A	
q. Weapons Used in Offense (Mark all that apply)															
Firearm <input type="checkbox"/> Handgun <input type="checkbox"/> Shotgun <input type="checkbox"/> Other <input type="checkbox"/> Revolver <input type="checkbox"/> Semi-automatic <input type="checkbox"/> Rifle <input type="checkbox"/> Automatic				Other <input type="checkbox"/> Cutting instrument <input type="checkbox"/> Hands/Feet/Teeth <input type="checkbox"/> Other (specify) <input type="checkbox"/> Blunt object <input type="checkbox"/> None <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Unknown				Color		Make		Model		Caliber	

1 PART I - CLASSIFICATION OF EVENT

2 TYPE OF REPORT

3 OFFENSE INCIDENT

4 FILL IN THE OVALS COMPLETELY

5 RIGHT MARK

6 WRONG MARKS

7 DATE

8 TIME OF REPORT

9 COMPLAINT NUMBER

10 EVENT LOCATION ADDRESS

11 REPORT RECEIVED BY

12 IS RADIO RUN LOCATION AND EVENT THE SAME?

13 PROPERTY TYPE

14 EVENT NO. 1

15 EVENT NO. 2

16 EVENT NO. 3

17 FORCED ENTRY

18 POINT OF ENTRY

19 WEATHER CONDITIONS

20 SUSPECTED HATE CRIME?

21 SECURITY SYSTEM (Mark all that apply)

22 LOCATION TYPE (Mark only one)

23 DESIGNATED AREAS (Mark all that apply)

24 PART II - VICTIM INFORMATION

25 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 1

26 RELATED TO EVENT NO(S)

27 VICTIM TYPE

28 DATE OF BIRTH

29 AGE

30 SEX

31 HOME PHONE

32 BUSINESS PHONE

33 RACE/ETHNICITY (Mark all that apply)

34 HOME ADDRESS

35 BUSINESS ADDRESS/SCHOOL

36 OCCUPATION

37 IS EVENT RELATED TO OCCUPATION?

38 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 1

39 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 2

40 RELATED TO EVENT NO(S)

41 VICTIM TYPE

42 DATE OF BIRTH

43 AGE

44 SEX

45 HOME PHONE

46 BUSINESS PHONE

47 RACE/ETHNICITY (Mark all that apply)

48 HOME ADDRESS

49 BUSINESS ADDRESS/SCHOOL

50 OCCUPATION

51 IS EVENT RELATED TO OCCUPATION?

52 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 2



5-9

IS VICTIM #1 THE REPORTING PERSON? IF NO, ENTER THE NAME, ADDRESS AND PHONE NUMBER OF THE REPORTING PERSON.  
Name: Manuel, Sam Phone-Area Code: 202 2910321  
Address: 521 Pilsbury St N.W. #3 Wash, DC

DID THE REPORTED EVENT OCCUR AS A RESULT OF AN INTRA-FAMILY MATTER? ☐ Yes ☒ No  
WAS PD FORM 378A ISSUED? ☐ Yes ☒ No  
IS CPO/TPO OUTSTANDING? ☐ Yes ☒ No ☐ Unknown IF YES, ENTER CPO/TPO #:

INJURIES: Use the following codes to describe injuries. (Mark all that apply)  
N = None Visible  
M = Apparent Minor Injury  
B = Apparent Broken Bones  
O = Other Major Injury  
I = Possible Internal Injury  
G = Gunshot  
L = Severe Laceration  
T = Loss of Teeth  
U = Unconscious

INJURED	NUMBER	INJURY CODE	DESCRIBE INJURY	WHERE TAKEN	BY WHOM	DCFD AMB.	DCFD AMB. #	STATUS
Victim	1 2 3 4 5	N M B O I	N/A			Yes		Admitted
Suspect	6 7 8 9	G L T U				No		Released
Victim	1 2 3 4 5	N M B O I				Yes		Admitted
Suspect	6 7 8 9	G L T U				No		Released
Victim	1 2 3 4 5	N M B O I				Yes		Admitted
Suspect	6 7 8 9	G L T U				No		Released
Victim	1 2 3 4 5	N M B O I				Yes		Admitted
Suspect	6 7 8 9	G L T U				No		Released

PART III - PROPERTY

Codes: S = Stolen, E = Evidence, R = Recovered, F = Found, I = Impounded, V = Vehicle from which theft occurred, D = Alleged drug type, L = Lost, P = Suspected proceeds of crime, O = Other

Code	Description of Item(s)	Serial Number/Operation ID No.	Model No.	Color	Size	Quantity	Comp. Value	Age	MPDC Value
	N/A								
							TOTAL VALUE		

60 VEHICLE INFORMATION

Vehicle operated/used by: ☐ Victim ☒ Suspect ☐ Victim's vehicle taken by suspect

Code	Year	Make	Model	Color	Body	Tag No./State/Year	VIN

PART IV - SUSPECT/MISSING PERSON INFORMATION (Use narrative if additional space is needed.)

61 #1

a. Race	b. Sex	c. Exact Age or Range	d. Height	e. Weight	f. Eyes	g. Hair				
<input checked="" type="radio"/> Asian <input type="radio"/> Black <input type="radio"/> White <input type="radio"/> Latino-Hispanic <input type="radio"/> Unknown <input type="radio"/> Other	<input type="radio"/> Male <input checked="" type="radio"/> Female <input type="radio"/> Unknown	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>				
h. Complexion	i. Scars	j. Mustache	k. Facial Hair	l. Hat	m. Coat/Jacket	n. Pants	o. Blouse/Shirt	p. Perpetrator Suspected of Using Alcohol Computer	Drugs N/A	
<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>	<u>UNK</u>			
q. Weapons Used in Offense (Mark all that apply)										
Handgun	Shotgun	Other Firearm	Cutting instrument	Other	Hands/Feet/Teeth	Other (specify)	Color	Make	Model	Caliber
Revolver	Semi-automatic		Blunt object		None					
Rifle	Automatic		Motor vehicle		Unknown					

62 #2

a. Race	b. Sex	c. Exact Age or Range	d. Height	e. Weight	f. Eyes	g. Hair				
<input type="radio"/> Asian <input type="radio"/> Black <input type="radio"/> White <input type="radio"/> Latino-Hispanic <input type="radio"/> Unknown <input type="radio"/> Other	<input type="radio"/> Male <input type="radio"/> Female <input type="radio"/> Unknown									
h. Complexion	i. Scars	j. Mustache	k. Facial Hair	l. Hat	m. Coat/Jacket	n. Pants	o. Blouse/Shirt	p. Perpetrator Suspected of Using Alcohol Computer	Drugs N/A	
q. Weapons Used in Offense (Mark all that apply)										
Handgun	Shotgun	Other Firearm	Cutting instrument	Other	Hands/Feet/Teeth	Other (specify)	Color	Make	Model	Caliber
Revolver	Semi-automatic		Blunt object		None					
Rifle	Automatic		Motor vehicle		Unknown					

63 #3

a. Race	b. Sex	c. Exact Age or Range	d. Height	e. Weight	f. Eyes	g. Hair				
<input type="radio"/> Asian <input type="radio"/> Black <input type="radio"/> White <input type="radio"/> Latino-Hispanic <input type="radio"/> Unknown <input type="radio"/> Other	<input type="radio"/> Male <input type="radio"/> Female <input type="radio"/> Unknown									
h. Complexion	i. Scars	j. Mustache	k. Facial Hair	l. Hat	m. Coat/Jacket	n. Pants	o. Blouse/Shirt	p. Perpetrator Suspected of Using Alcohol Computer	Drugs N/A	
q. Weapons Used in Offense (Mark all that apply)										
Handgun	Shotgun	Other Firearm	Cutting instrument	Other	Hands/Feet/Teeth	Other (specify)	Color	Make	Model	Caliber
Revolver	Semi-automatic		Blunt object		None					
Rifle	Automatic		Motor vehicle		Unknown					

\*Value of vehicles to be entered by Information Processing section

CCN: 181048

PART 4 - MISSING PERSONS		65 COMPLAINT NUMBER	
64 PROBABLE CAUSE OF ABSENCE AND DESTINATION		1212412	
66 IF MISSING PERSON HAS RUN AWAY BEFORE, GIVE DATE AND WHERE LOCATED: 06 Socialist Workers 2012 Campaign		67 CLASSIFICATION	68 CLASSIFIED BY:
Sam Manuel for 5		Critical	Non-critical
69 PHYSICAL/MENTAL CONDITION (i.e., diabetic)	70 DESCRIBE ARTICLES OF JEWELRY WORN AND IDENTIFICATION CARRIED	71 NAME OF PARENT/GUARDIAN	
72 ADDRESS OF PARENT/GUARDIAN		73 IF JUVENILE, ENTER MOTHER'S MAIDEN NAME	
74 MISSING PERSON SECTION NOTIFIED (Name)			

75 NARRATIVE Describe event and action taken. If additional narrative space is needed, use PD Form 251-A.	
Item Number	Continued
	71 reports that on the listed date, time and location suspect(s) unknown attempted to pry a piece of plywood from over the window to gain entry into the political campaign office.
	Suspect(s) fled the listed location in an unknown direction.

76 EVIDENCE TECHNICIAN/CSES #	77 NAME OF INVESTIGATOR NOTIFIED	78 TELETYPE NOTIFIED (Name)	79 TELETYPE #
7CS3 Covington	14030 Det. Schwaner		
80 REPORTING OFFICER'S SIGNATURE	81 OTHER POLICE AGENCY	82 SECOND OFFICER'S NAME	83 SIGNATURE OF SUPERVISOR
	(Indicate if report prepared by officer other than MPD)		
BADGE NUMBER	USCP	BADGE NUMBER	BADGE NUMBER
0 1 2 3 4 5 6 7 8 9 L O	USSS	0 1 2 3 4 5 6 7 8 9 L O	0 1 2 3 4 5 6 7 8 9 L O
0 1 2 3 4 5 6 7 8 9 L O	METRO TRANSIT	0 1 2 3 4 5 6 7 8 9 L O	0 1 2 3 4 5 6 7 8 9 L O
0 1 2 3 4 5 6 7 8 9 L O	OTHER	0 1 2 3 4 5 6 7 8 9 L O	0 1 2 3 4 5 6 7 8 9 L O
T. Johnson, Gregory			

5-11

84 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 3			85 RELATED TO EVENT NO(S) 1 2 3 4 5 6 7 8 9 10	
VICTIM TYPE <input type="checkbox"/> Individual <input type="checkbox"/> Financial inst. <input type="checkbox"/> Religious org. <input type="checkbox"/> Police officer <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Society/Public <input type="checkbox"/> Other				
87 DATE OF BIRTH <input type="checkbox"/> Unknown <input type="checkbox"/> NA Month Day Year Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec		88 AGE RANGE 0-1 yr. 2-12 yrs. 13-17 yrs. 18-65 yrs. Over 65		89 SEX Male Female Unknown
91 HOME PHONE ( ) ( ) ( ) ( ) ( ) ( )		92 BUSINESS PHONE ( ) ( ) ( ) ( ) ( ) ( )		
92 RACE/ETHNICITY (Mark all that apply) <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Japanese <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Korean <input type="checkbox"/> Black <input type="checkbox"/> Vietnamese <input type="checkbox"/> Chinese <input type="checkbox"/> White <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other <input type="checkbox"/> Jamaican <input type="checkbox"/> Unknown/Refused				
93 HOME ADDRESS DC Resident Non-DC Resident Unknown				
94 BUSINESS ADDRESS/SCHOOL				
95 OCCUPATION		96 IS EVENT RELATED TO OCCUPATION? Yes No Unknown		
97 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 3				

98 NAME OF COMPLAINANT/VICTIM/MISSING PERSON NO. 4			99 RELATED TO EVENT NO(S) 1 2 3 4 5 6 7 8 9 10	
VICTIM TYPE <input type="checkbox"/> Individual <input type="checkbox"/> Financial inst. <input type="checkbox"/> Religious org. <input type="checkbox"/> Police officer <input type="checkbox"/> Business <input type="checkbox"/> Government <input type="checkbox"/> Society/Public <input type="checkbox"/> Other				
101 DATE OF BIRTH <input type="checkbox"/> Unknown <input type="checkbox"/> NA Month Day Year Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec		102 AGE RANGE 0-1 yr. 2-12 yrs. 13-17 yrs. 18-65 yrs. Over 65		103 SEX Male Female Unknown
104 HOME PHONE ( ) ( ) ( ) ( ) ( ) ( )		105 BUSINESS PHONE ( ) ( ) ( ) ( ) ( ) ( )		
106 RACE/ETHNICITY (Mark all that apply) <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Japanese <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Korean <input type="checkbox"/> Black <input type="checkbox"/> Vietnamese <input type="checkbox"/> Chinese <input type="checkbox"/> White <input type="checkbox"/> Latino/Hispanic <input type="checkbox"/> Other <input type="checkbox"/> Jamaican <input type="checkbox"/> Unknown/Refused				
107 HOME ADDRESS DC Resident Non-DC Resident Unknown				
108 BUSINESS ADDRESS/SCHOOL				
109 OCCUPATION		110 IS EVENT RELATED TO OCCUPATION? Yes No Unknown		
111 ADDITIONAL MEANS TO CONTACT COMPLAINANT/VICTIM NO. 4				

#4		a. Race			b. Sex		c. Exact Age or Range		d. Height		e. Weight		f. Eyes		g. Hair		
Suspect Missing		Asian Black White Latino/Hispanic Unknown Other			Male Female Unknown												
h. Complexion		i. Scars		j. Mustache		k. Facial Hair		l. Hat		m. Coat/Jacket		n. Pants		o. Blouse/Shirt		p. Perpetrator Suspected of Using Alcohol Drugs Computer N/A	
q. Weapons Used in Offense (Mark all that apply)																	
Handgun		Shotgun		Other firearm		Cutting instrument		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Revolver		Semi-automatic		Automatic		Blunt object		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Rifle		Automatic				Blunt object		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Handgun		Shotgun		Other firearm		Cutting instrument		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Revolver		Semi-automatic		Automatic		Blunt object		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Rifle		Automatic				Blunt object		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Handgun		Shotgun		Other firearm		Cutting instrument		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Revolver		Semi-automatic		Automatic		Blunt object		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	
Rifle		Automatic				Blunt object		Blunt object		Motor vehicle		Hands/Feet/Teeth		Other (specify)		Color Make Model Caliber	

# DISTRICT CRIME WATCH

## CRIME, From Page 14

Aug. 7 to 6:45 a.m. Aug. 8. A generator was stolen from a construction site entered by cutting a wire securing the gate.

UNDEVELOPED AVE., 4300 block. 11 p.m. Aug. 9 to 3:21 a.m. Aug. 10. A cash drawer was stolen from a restaurant entered by breaking a door window.

UNDEVELOPED AVE., 4700 block. 7:30 a.m. Aug. 9 to 9:30 a.m. Aug. 10. Computer equipment was stolen from a store entered by breaking a front window.

UNDEVELOPED AVE., 2000 block. 9:30 a.m. Aug. 8 to 7:50 a.m. Aug. 9. Bear was stolen from a convenience store entered by forcing a hole in a roof.

UNDEVELOPED AVE., 1000 block. 6:30 a.m. Aug. 5 to 7:30 a.m. Aug. 10. Porcelain, perfume, a carpet cleaner and other property were stolen from a home.

UNDEVELOPED AVE., 1600 block. 4 p.m. Aug. 10 to 9:30 a.m. Aug. 11. A TV was stolen from a store entered by breaking a window.

UNDEVELOPED AVE., 1500 block. 9:30 a.m. to 3 p.m. Aug. 12. A house was entered by forcing a rear window door. Nothing was reported missing.

UNDEVELOPED AVE., 900 block. 10 a.m. Aug. 9. Four people entered an office and changed the doors to prevent entry. Nothing was reported missing.

UNDEVELOPED AVE., 1700 block. Noon Aug. 9 to 6 p.m. Aug. 15. A bar was stolen from a house entered through a window.

UNDEVELOPED AVE., 3000 block. 10 p.m. Aug. 8 to 6 a.m. Aug. 9. A generator was stolen from an office building entered by forcing open a cover on a window.

UNDEVELOPED AVE., 3500 block. 11 a.m. to 10:45 p.m. Aug. 8. A TV was stolen from a house entered through a window.

UNDEVELOPED AVE., 3400 block. 7 to 9:20 p.m. Aug. 13. An attempt was made to enter a building by forcing a glass door from a window.

UNDEVELOPED AVE., 3500 block. 8 p.m. Aug. 13 to 10:45 a.m. Aug. 14. A cash register was stolen from a department store entered through a window.

UNDEVELOPED AVE., 1100 block. 1:25 a.m. Aug. 13. A CD player was stolen from an office entered by breaking a window. An arrest was made.

UNDEVELOPED AVE., 1800 block. 11 p.m. Aug. 10 to 6 p.m. Aug. 9. A CD player was stolen from a house entered by breaking a window.

UNDEVELOPED AVE., 1000 block. 4:30 a.m. Aug. 10. Cash was stolen from a restaurant entered by breaking a front door window.

UNDEVELOPED AVE., 1300 block. 12:15 p.m. Aug. 10 to 11 a.m. Aug. 11. A DVD player, jewelry, a table and a leather jacket were stolen from a house entered through an unlocked back window.

UNDEVELOPED AVE., 1300 block. 9:45 p.m. Aug. 12 to 6:30 a.m. Aug. 13. A wallet and keys were stolen from a house entered through an unlocked window.

UNDEVELOPED AVE., 3400 block. 12:40 to 1 p.m. Aug. 14. A rental storage facility was entered by forcing a rear door. Nothing was reported missing.

UNDEVELOPED AVE., 1900 block. 10:30 a.m. Aug. 9. A jacket was stolen from a house entered through a window.

## Southeast

### HOMICIDES

50TH AND C STREETS. 3:25 a.m. Aug. 12. Two unidentified males were found in a vehicle with gunshot wounds. They were taken to the O.C. Medical Examiner's Office, where they were both pronounced dead.

SHUYLAND PIKE, 900 block. 3:25 a.m. July 27. Marvin Gross, 20, of the 1400 block of Martin Road SE, was found on a street with a gunshot wound to the head. He was taken to D.C. General Hospital, where he was pronounced dead at 3:45 a.m.

EDMUND ST., 3200 block. 3:56 a.m. Aug. 12. Raymond Larnell Calhoun, 31, of the 2100 block of Savannah Terrace SE, was found in a vehicle with gunshot wounds. He was taken to Washington Hospital Center, where he was pronounced dead at 2:13 a.m.

14TH AND V STREETS. 4:39 a.m. Aug. 15. An

unidentified male was found on a street with gunshot wounds. He was taken to Howard University Hospital, where he was pronounced dead at 5:10 a.m.

### SEXUAL ASSAULTS

13TH ST., 700 block. 6 p.m. Aug. 15. A man with a handgun grabbed a woman in an alley and raped her.

### ROBBERIES

DOVER RD., 4800 block. 12:40 p.m. Aug. 15. A man snatched cash from an open cash register in a grocery store.

DOVER RD., 4800 block. 12:35 a.m. Aug. 9. A man snatched a purse from a woman in a parking lot.

E ST., 1300 block. 9:46 p.m. Aug. 9. A man followed a 65-year-old man into a hallway and snatched him on the leg, then robbed him of cash.

E ST., 1300 block. 1:20 a.m. Aug. 14. A man with a handgun entered two females, ages 14 and 18, to the ground and robbed them of a purse, credit cards and keys.

DOVER RD., 1200 block. 2:58 a.m. Aug. 11. Two men approached a 27-year-old man at a service station, and one man placed a knife to his neck and demanded cash. He then snatched the man in the thigh and fled.

INDEPENDENCE AVE., 500 block. 5:30 p.m. Aug. 14. A man approached a 54-year-old woman from behind and snatched her purse containing cash, a change purse and an ATM card.

DOVER RD., 2600 block. 5:15 a.m. Aug. 11. Four men, two with handguns, robbed a male pedestrian of cash.

PENNSYLVANIA AVE., 2900 block. 5:30 a.m. Aug. 13. A male with a handgun robbed a 49-year-old woman at a bus stop of a necklace.

9 ST., 5:30 p.m. Aug. 15. A man exposed himself to a 26-year-old woman, struggled with her, then snatched cash from her carter belt and fled.

DOVER RD., 1200 block. 6:40 p.m. Aug. 14. A man with a handgun robbed a 46-year-old woman of cash and fled on foot.

EDMUND ST., 500 block. 8:20 p.m. Aug. 13. Two men, one with a handgun, took cash from a liquor store cash register and a lottery machine.

10TH AND C STREETS. 10 p.m. Aug. 9. A male with a handgun robbed two 30-year-old male pedestrians of cash.

15TH STREET AND PENNSYLVANIA AVENUE. 12:55 a.m. Aug. 13. A man snatched a 31-year-old male pedestrian of a cigarette, then snatched that he had a weapon and took cash and cigarettes from him.

15TH PL., 2300 block. 7:40 a.m. Aug. 10. A gunman robbed a 61-year-old male pedestrian of cash.

34TH ST., 7500 block. 10:40 p.m. Aug. 12. Two men, one with a semiautomatic, got out of a van and robbed an 84-year-old man of cash in an alley. They searched the clothing of the 84-year-old man who tried to help the man.

56TH PL., 100 block. 6:10 p.m. Aug. 11. A man snatched a male pedestrian of a wallet.

### THEFTS/BREAK-INS

A ST., 400 block. 12:30 a.m. Aug. 9. A wallet and a credit card and a driver's license were stolen from an occupied residence entered through an open window.

A ST., 4400 block. 7 a.m. to 10 p.m. Aug. 11. A residence was entered by breaking a door lock and a window.

ALABAMA AVE., 1300 block. 7 p.m. Aug. 14 to 6 a.m. Aug. 15. Four computers, a TV, a tape recorder and other property were stolen from an elementary school entered by breaking a basement window with a tire coin.

DOVER RD., 2600 block. 1 a.m. Aug. 12. Three spatulas were stolen from an apartment entered through a bedroom window.

B ST., 1200 block. 7:30 a.m. Aug. 13. A residence was entered through an unlocked second-floor window and a window.

DOVER RD., 2600 block. 6 a.m. Aug. 15. A DVD was stolen from an apartment entered by forcing a side door.

6 ST., 1200 block. 7:30 p.m. Aug. 7. Jewelry, cash and other property were stolen from a residence entered

through a bedroom window.

1 ST., 300 block. 9 a.m. Aug. 9. A gym bag, a Sony PlayStation 2 and DVDs were stolen.

1 ST., 600 block. 11:30 a.m. Aug. 11. A person entered a male teenager made a business, and the man snatched a gun and told him to leave. The robber took a Honda generator and fled.

6 ST., 300 block. 9:30 p.m. Aug. 14 to 12:54 p.m. Aug. 15. A man forced his way into the apartment of a female tenant and threatened her and other occupants.

UNDEVELOPED AVE., 4100 block. 2 p.m. Aug. 9 to 4 a.m. Aug. 12. Two men broke into two cars and snatched money from an apartment entered by forcing a door lock.

UNDEVELOPED AVE., 1700 block. 8 p.m. Aug. 12 to 7:20 a.m. Aug. 13. A CD player and other property were stolen from a church office.

9 ST., 3100 block. 10:30 p.m. Aug. 30. Two male juveniles entered a room of an occupied residence and attempted to enter the living room by destroying a door lock.

PENNSYLVANIA AVE., 300 block. 7:30 p.m. Aug. 12 to 6 a.m. Aug. 13. Cash and a cash register with a printer were stolen from a dry-cleaning business entered by smashing a front glass door.

WILLIAMSON PL., 200 block. 7:30 a.m. Aug. 13. A CD player, a microphone, an amp and a fax machine were stolen from an apartment entered by forcing a front door.

THIRD ST., 600 block. 12:10 a.m. Aug. 9 to 9:30 a.m. Aug. 10. A laptop, an amp and a boom box were stolen from a residence entered by forcing a rear door.

FOURTH ST., 500 block. 7:30 a.m. Aug. 12. A computer, jewelry and other property were stolen from a residence entered through an upstairs window.

FIFTH ST., 1:100 block. 9:55 a.m. Aug. 13. A camera, an ATM card and a credit card were stolen from a residence entered by breaking glass in a rear door.

FIFTH ST., 1:100 block. 10:05 a.m. Aug. 13. A residence was entered by cutting a screen door and a window.

SALEM ST., 3600 block. 2:30 a.m. Aug. 13 to 6 a.m. Aug. 14. Tools were stolen from a construction site.

EDMUND ST., 500 block. 2 a.m. Aug. 10. Cash was stolen from a car.

12TH PL., 2500 block. 12:12 a.m. Aug. 13. A church was entered by breaking a basement window. A person was arrested.

13TH ST., 100 block. 5:10 p.m. Aug. 13. Cash was stolen from a residence entered through an open upstairs window.

10TH ST., 1200 block. 11:30 p.m. Aug. 14. A TV, a VCR, three laptop, coats and a gun were stolen from a residence entered by forcing a front door.

34TH ST., 100 block. 12 p.m. Aug. 13 to 6 a.m. Aug. 9. A DVD player was stolen from a residence entered by breaking a side window.

## Southwest

### SEXUAL ASSAULTS

INDEPENDENCE AVE., 1400 block. 11:30 p.m. Aug. 13 to 9:10 p.m. Aug. 15. A male suspect sexually assaulted a female child in an apartment entered through a window.

### ROBBERIES

L'ENFANT PLAZA, 100 block. 1:10 p.m. Aug. 15. A man snatched a female high school student's purse while she was using it.

### THEFTS/BREAK-INS

GAVESPORT ST., 7 p.m. Aug. 13. Jewelry, credit cards and cash were stolen from an apartment.

OVERBROOK AVE., 5000 block. 4:30 p.m. Aug. 13 to 6 a.m. Aug. 14. Electric meter covers and water were stolen from a construction site.

FOURTH ST., 1270 block. 11:11 p.m. Aug. 11. A wallet and credit cards were stolen from an apartment.

— Sharon Fanning, Jean March, Canalee Bess and Bruce C.E. Wright

## ANIMAL WATCH

The following were among animal cases received recently by the Washington Humane Society: (200) 723-5730 and the D.C. Animal Control Division (202) 576-8864. For more information or assistance, 24 hours a day, call either number. For information on local animal shelters, adoption and animal services, visit the Washington Humane Society Web site at [www.washingtonhumane.org](http://www.washingtonhumane.org).

### Cat Attacks People at University

Florida Ave. NW, 800 block. Aug. 16. Two security officers captured a stray cat that had been attacking people at Gallaudet University and brought it to the D.C. shelter. Although the cat had bitten an officer, the officer expressed interest in adopting it. The cat was held at the shelter pending a 10-day quarantine and a rabies test before it was released.

### Stech Rat Found in Planters

11 ST. NW, 1400 block. Aug. 13. An employee at an office building reported a stech rat in a planter box. An animal control officer found the rat during morning there. It was captured and released.

### Stray Chases Person Has Injured Eye

Newton St. NE, 3100 block. Aug. 11. A man reported a stray dog with an injured eye. The dog was taken to a veterinary hospital and was held at the D.C. shelter pending owner recapture or adoption.

### Cat Left Behind After House Eviction

Seeth St. SE, 4200 block. Aug. 15. An apartment manager asked animal control to remove a cat stranded after an eviction. An animal control officer found a female white Persian cat inside a broken cabinet and in good shape except for a severely injured eye. It was brought to the D.C. shelter and held pending owner recapture or adoption.

### Small Dog Attached to Heavy Chain

Edgemoor St. NE, 1900 block. Aug. 17. Responding to a report, an animal control officer found a male miniature dachshund attached to a heavy chain. The dog was taken to the D.C. shelter and held pending owner recapture or adoption.

### Black Cat Surrendered to Shelter

13th PL. SW, 1400 block. Aug. 11. A person reported that animal control officer found a healthy black female cat that appeared middle-aged. The person surrendering the cat said it had been used as a decorative animal and might be eating well. At the shelter, the cat is healthy and was made available for adoption.

### Two Cats Released to Owners

28th St. SE, 1700 block. Aug. 11. A landlord found two cats in a rooming house. They were taken to the D.C. shelter and released to their owners.

landlord said the tenant had not been seen for six weeks. An animal control officer removed two cats from a rooming apartment, and they were released at the D.C. shelter.

### Boys Left Outdoors in Heat

Stamford Rd. NW, 1300 block. Aug. 12. Responding to a report, a humane society officer found a female pit bull chained to a fence and asleep on a blanket. A representative of the owner was given notice that the dog must not be kept chained outdoors. The officer returned three days later, and the dog was still chained and sleeping heavily in the heat. No one was at home, and the dog was held at the humane society pending investigation.

11th St. NE, 800 block. Aug. 25. Responding to a report, a humane society officer found a mixed breed puppy chained to an open rear door trying to crawl behind it. The puppy was held at the humane society pending investigation.

Edgemoor St. NE, 1300 block. Aug. 11. A person reported a dog in a yard with a fence. A humane society officer found a male black and white dog. The dog was held at the humane society pending investigation.

— Canalee Bess

**4th's BEST ENDS**  
 100% Satisfaction Guarantee  
 24 HOURS

**ALDAY REMODELING CO.**  
 Fully Licensed & Insured  
 Custom Additions  
 Custom Kitchens  
 Custom Bathrooms  
**TOTAL HOME RENOVATIONS**  
 30 yrs. exp. in DC, MD & VA  
 DC Lic. #2946219 • Member Home Remodeling Assoc.  
 301-446-0268 • 301-526-2915  
 www.aldayremodeling.com  
 Alayn D. Alday, Owner • Alayn D. Alday, Owner

**5-12**  
**EXTRA**  
 12th St. NW, 1400 block. Aug. 11. A person reported that animal control officer found a healthy black female cat that appeared middle-aged. The person surrendering the cat said it had been used as a decorative animal and might be eating well. At the shelter, the cat is healthy and was made available for adoption.



## DC Socialist Workers 2002 Campaign Committee Sam Manuel for Mayor

3437 14th St. NW  
Washington, DC 20010  
phone: 202-387-1590 fax: 202-387-1790

---

August 13, 2002

The offices of the Washington DC Socialist Workers Campaign - Sam Manuel for Mayor- and the Pathfinder Bookstore were broken into sometime during the late night of August 12 and early morning August 13. Discovered by campaign supporters about 6pm August 13, it appeared a crowbar was used to jimmy a back section of the building leading into the bathroom. The wooden section with insulation was then replaced in what appears to be an attempt to hide that the headquarters had been broken into. Some tools and a small amount of change held in a box for refreshments were taken, while office equipment and the computer and other more valuable items remained seemingly untouched.

In the weeks prior to the break-in, campaign supporters had hit the streets of Washington offering a fighting alternative to the twin parties of imperialist war and economic depression - the Democrats and Republicans. Calling for opposition to Washington's imperialist war drive, jobs for all, defense of workers' rights, and offering a revolutionary program to unite working people, the socialist campaign found much support gathering almost 5000 signatures towards its goal of 6000 signatures to place Manuel's name on the ballot for mayor in just a few weeks.

"This break-in is suspicious coming within days of a major push by supporters of the campaign in the city to get my name on the ballot. Our historic suit in the early 1970s, *Socialist Workers vs. Attorney General*, against the government uncovered a record of break-ins, wire taps, and mail covers against the party. I call on the authorities to thoroughly investigate this incident. We will respond by redoubling our efforts to insure a space on the ballot for the working class alternative to the twin parties of war and economic depression," Manuel said.

**DC Socialist Workers 2002 Campaign Committee****Sam Manuel for Mayor**

3437 14th St. NW

Washington, DC 20010

phone: 202-387-1590 fax: 202-387-1790

---

August 18, 2002

Sam Manuel, Socialist Workers candidate for mayor of Washington DC, denounced the third break-in to his campaign headquarters in less than a week. "These attempts to disrupt the ability of the socialist campaign to get on the ballot will be answered with redoubled efforts to reach out to workers, farmers and youth with a fighting, independent working-class alternative to the twin parties of war and economic depression-the Democrats and Republicans. The receptivity to this revolutionary program to unite working people internationally and the deep support for democratic rights by working people have won over 6000 signatures on election petitions to place my name on the ballot for mayor of Washington DC. I call again on the authorities to thoroughly investigate these incidents. Our historic lawsuit in the early 1970's, *Socialist Workers vs. Attorney General*, against the government uncovered a record of break-ins, wire taps, and mail covers against the party."

The third in a series of break-ins starting August 12 happened on August 17 between 11:30am and 1:30pm in broad daylight, intruders entered the offices of the Washington DC Socialist Workers Campaign, Sam Manuel for mayor, and Pathfinder Bookstore through a window in the upstairs vacant office adjacent to the campaign headquarters. Going through a crawl space above the ceiling, they then broke through the ceiling into the campaign office. They rifled through personal belongings of campaign supporters, taking a laptop computer, camera, cell phone and about \$100 cash while leaving keys, credit cards, and other identifications scattered. At 1:30pm two campaign supporters returned to the offices and found the break-in.

Earlier that same morning campaign supporters had gathered at the campaign headquarters for a discussion on the politics of the campaign including US war moves against Iraq, the economic crisis facing working people , and the developments in bourgeois politics around the denial of ballot status to DC's Mayor Anthony Williams. All the supporters were campaigning on the streets by 11:30am.

These burglaries come in final push of the drive to get Manuel on the ballot. They come at a time for the final preparation to turn in the 6000 names - double the required number to get his name on the mayoral election ballot. The attempted effect of the break-ins has been to take time and effort away from campaigning and focus it on the attacks to the headquarters.

"We will not be deterred in our efforts to get ballot status, to continue to tell the truth about the capitalist system which brutalizes workers throughout the world including here pointing to the closing of DC's only public hospital, DC General," Manuel emphasized. He added, "we will continue to build a movement of workers and youth who will be in the front ranks of a revolutionary struggle for a workers and farmers government to take power out to the hands of the ruling capitalist families."



5-17



Vol.66/No.32 August 26, 2002

## Socialist candidate reports break-in at Washington, D.C., office

The Washington, D.C., Socialist Workers Campaign released the following statement August 13.

The offices of the Washington, D.C., Socialist Workers Campaign, Sam Manuel for mayor, and the Pathfinder bookstore were broken into sometime late in the night of August 12 or early morning August 13.

The break-in was discovered by campaign supporters who said it appeared that someone used a crowbar to pry open a piece of wood covering a window. The intruder then replaced the material in what appears to be an attempt to cover up the break-in.

Some tools and a small amount of change held in a box for refreshments were taken. Other equipment remained seemingly untouched.

The break-in takes place as Manuel and his supporters are hitting the streets of Washington, offering a fighting alternative to the twin parties of imperialist war and economic depression, the Democrats and Republicans. Calling for opposition to Washington's imperialist war drive, jobs for all, defense of workers' rights, and offering a revolutionary program to unite working people, the socialist campaign has found much support from workers and youth in the city. Nearly 5,000 people have signed to place Manuel's name on the ballot. The candidate plans to submit a total of 6,000 signatures later this month.

"This break-in is suspicious, coming within days of a major push by supporters of the campaign in the city to get my name on the ballot," Manuel said. "Our historic suit against the government in the early 1970s, *Socialist Workers vs. Attorney General*, exposed a long history of government break-ins, wiretaps, and mail covers against the party. I call on the authorities to thoroughly investigate this incident. We will respond by redoubling our efforts to ensure a space on the ballot for the working-class alternative to the twin parties of war and economic depression," Manuel said.

### Related articles:

[Socialist candidate featured in Carolina press](#)

[Front page \(for this issue\)](#) | [Home](#) | [Text-version home](#)

Exh. 6  
2 pages

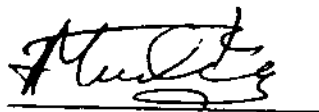
I, Argyrios Malapanis, make this declaration in support of the application to the Federal Elections Commission for an advisory opinion that the Socialist Workers Party, the Socialist Workers Party's National Campaign Committee, and the committees supporting the candidates of the Socialist Workers Party are entitled to an exemption from certain disclosure provisions of the Federal Elections Campaign Act.

I make this statement on the basis of personal knowledge:

1. I am a member of the National Committee of the Socialist Workers Party. I frequently campaign for the candidates of the Socialist Workers Party in the streets of Miami, where I reside. This year, I have been doing so, in particular, for Socialist Workers candidates Rachele Fruit, for Governor; Lawrence Mikesch, for Lt. Governor; Karl Butts, for Commissioner of Agriculture; and Michael Italie, for US Congress in the 17th Congressional District of Florida.
2. On June 6, 2002, at 4:30 p.m., I and Mary Ann Schmidt, another supporter of the Socialist Workers Party's elections campaigns, set up a table to sell the *Militant*, the Socialist Workers weekly campaign newspaper, *Perspectiva Mundial*, the Socialist Workers monthly campaign magazine in Spanish, and related political books published by Pathfinder Press and to distribute flyers advertising the weekly Militant Labor Forum in Miami. We set up the table on the public sidewalk by the parking lot of the La Mia Market on NW 30th St., near the corner with NW 17th Ave. The supermarket is located on 3001 NW 17th Ave. in Miami. We began approaching patrons of the grocery store and others walking by the table to solicit interest in the socialist literature and the Socialist Workers campaigns they were publicizing.
3. Within half hour, a La Mia supermarket security guard approached us and said we had to leave because we were on private property and we had no permission from management to be there. I and Mary Ann Schmidt argued that the sidewalk where we had set up was public, not private, property. The security guard then left and returned with one of La Mia's managers who repeated to us in an angry tone that we should leave because this was his property and if we did not he would call the police. In order to avoid conflict, I said we would move the table down the street on the part of the sidewalk that was clearly public property. La Mia's manager and the guard went back to the store.

4. As we were getting ready to move the table, someone who had witnessed the scene told us we may want to "leave the area altogether because this literature is offensive to the owners of La Mia since you have stuff supportive of [Cuban president Fidel] Castro." This person said that La Mia's owners are Cuban American and anti-communist.
5. Shortly thereafter, I and Mary Ann Schmidt moved the literature table to the southeast corner of NW 17th Ave. and NW 30th St. on the sidewalk across the street from La Mia. After we set up for a second time, began talking to people passing by and distributing literature, the same security guard came over and told us: "I explained to you why you should go. The owner says all the sidewalks around La Mia are his property. He asked me to call the police if you do not leave right away." I responded that I believed we had a free-speech right to carry out this activity, we stood on public property, and I would talk with the police if they came.
6. Within ten minutes, a city of Miami police officer drove to the spot where we had the table. He asked what we were doing. I explained we were distributing the *Militant* and other socialist literature. I asked the officer whether we stood on public property. The officer responded, yes, the sidewalk where we had the table is clearly public property. He stated, however, that we needed to get a permit from the police before we could continue our solicitation. He said that since we were asking for contributions for most of the literature we were distributing, including for the newsweekly the *Militant*, we needed to apply for a peddlers' permit. "I need something in writing to show these people you can be here," the police officer said, pointing to the owners of La Mia. I responded that we have done the same on numerous public sidewalks in Miami across from a number of grocery or other stores and we had not faced a similar problem over the last year. The officer said we had to leave immediately or he would give us a ticket and we could be arrested.
7. Under the circumstances, we took down the literature table and left, less than an hour after we originally set it up.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed October 9, 2002.

  
Argyrios Malapanis  
October 9, 2002

Exh. 7

Carbon Paper Imprints

1 page

## DECLARATION


I, Ellen Brickley, make this declaration in support of the application to the Federal Election Commission for an advisory opinion that the Socialist Workers Party, the SWP National Campaign Committee, and the committees supporting the candidates of the SWP are entitled to an exemption from certain disclosure provisions of the Federal Election Campaign Act.

I make this statement on the basis of my personal knowledge.

1. In June 2002, on a weekday afternoon, I was staffing a Socialist Workers Party literature table on Eighth Avenue near 39th Street. We had often had a table there before. The table was towards the curb and not blocking any pedestrian traffic. The operator of the nearby photo shop objected to our table and called over two nearby policemen, who told us we had to move. We agreed to move our table. As we were leaving, the shop keeper told us he would try to keep our tables off the area streets

2. Later that week I was selling the Militant and Perspectiva Mundial at a table at 315 West 36th Street, where many garment workers work. A man who said he owned the storefront business there said we would have to move from in front of his building. As we moved the table he came out of his store and threatened to turn over the table.

Executed October 9, 2002

  
Ellen Brickley